

**Security Council**

Distr.: General  
31 August 2012

Original: English

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**Report of the Secretary-General on the United Nations  
Integrated Peacebuilding Office in Sierra Leone****I. Introduction**

1. The present report is submitted pursuant to Security Council resolutions 1886 (2009), 1941 (2010) and 2005 (2011), in which the Council requested the Secretary-General to submit a report every six months on the activities of the United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL). The report covers the period from 1 March to 31 August 2012.

**II. Major developments**

2. During the reporting period, the presidential, parliamentary and local council elections, scheduled to be held on 17 November 2012, continued to be the main focus of political activities in Sierra Leone. In a spirit of constructive dialogue and national ownership of the political process, the country's major stakeholders, including the 10 registered political parties, signed a "Declaration on the 2012 elections" on 18 May 2012, committing themselves to peaceful, free and fair elections. Preparations for the elections have reached a critical final stage with the completion of the biometric voter registration exercise and the announcement by the National Electoral Commission of a timetable for the key phases of the electoral process, including the nomination of candidates and the beginning of the period of electoral campaigning.

**A. Political developments**

3. The overall political situation in the country has been dominated by preparations for the forthcoming elections, with political parties, particularly the ruling All People's Congress (APC) and the main opposition party, the Sierra Leone People's Party (SLPP), intensifying their electoral activities throughout the country. While no incidents of political violence were reported during the period under review, the relationship between the ruling party and the major opposition party has continued to be characterized by mutual mistrust and intense rivalry. The Political Parties Registration Commission has so far authorized 10 political parties to contest the elections.



4. On 23 March, the Government released a white paper on the report of the Shears-Moses Commission of Inquiry, which had investigated incidents of political violence that occurred in Freetown, Bo and Kenema in March 2009. The Government accepted a number of recommendations made by the Commission, including the need to encourage political tolerance in educational institutions and to ensure the application of principles of impartiality in the country's security-sector agencies. It also agreed with the Commission's recommendation that the Independent Media Commission improve its monitoring procedures. However, the Government has yet to take steps to comply with the Commission's recommendation that the public officials who were implicated in the violence be banned from holding office.

5. The Government has also taken initial steps towards the establishment of an independent police complaints committee, as agreed upon by the ruling party and the major opposition parties in a joint communiqué signed on 2 April 2009. However, efforts need to be accelerated to finalize the development of the terms of reference and draft legislation governing the complaints mechanism.

6. Following the expression of concern by various stakeholders, including SLPP, over the Government's purchase of heavy weapons for the Sierra Leone Police, on 3 April the Government transferred those weapons to the Republic of Sierra Leone Armed Forces (RSLAF) to be used for military operations, both domestically and in international peace operations.

7. During the reporting period, the criminal prosecution of APC and SLPP members charged with offences related to the political violence in Bo and Kono in September 2011 continued. Also, on 21 May 2012, two members of SLPP were convicted by the High Court in Freetown for public order offences committed during a local council election in Freetown in January 2012. They were each sentenced to a five-year jail term or alternatively to pay a fine of 25 million leones.

8. On 18 May, a national conference focusing on the need for political tolerance and the peaceful conduct of the November 2012 elections was jointly organized by the Political Parties Registration Commission and UNIPSIL, with the support of the United Nations Peacebuilding Fund. The conference was attended by the senior leadership of the 10 registered political parties, as well as by representatives of the Sierra Leone Police, the National Electoral Commission, the Sierra Leone Association of Journalists, the Guild of Editors, the National Human Rights Commission, paramount chiefs and traditional authorities, the Sierra Leone Broadcasting Corporation, the National Commission for Democracy, and women's and youth groups. At the conclusion of the conference, participants adopted a declaration underscoring their willingness to discharge their responsibilities effectively in the 2012 elections and reaffirmed their commitment to political tolerance and non-violence. Under the auspices of the Political Parties Registration Commission, a follow-up mechanism was created to ensure the implementation of the declaration. Meanwhile, the National Commission for Democracy continues to disseminate the declaration at the regional level.

9. On 23 May, a Security Council mission, led jointly by the Permanent Representatives of the United Kingdom of Great Britain and Northern Ireland and of South Africa, visited Freetown. The main objectives of the mission were to assess the progress achieved by the national authorities and the people of Sierra Leone in the peacebuilding process, and to become acquainted with the preparations for the

2012 elections. The delegation met with the President of Sierra Leone, Ernest Bai Koroma, who gave assurances that the 2012 elections would be held in a free, fair and peaceful environment. The delegation also met with representatives of various political parties, who pledged their commitment to the peaceful conduct of the elections. The Council delegation was briefed by the senior leadership of the security-sector agencies, the National Electoral Commission, the Political Parties Registration Commission and the Independent Media Commission on preparations for the elections and on the readiness of the various national institutions to discharge their responsibilities to ensure successful elections.

10. The Sierra Leone Configuration of the Peacebuilding Commission organized a meeting on 22 June in New York that was attended by the Chair of the National Electoral Commission, to discuss the status of preparations for the November elections. Briefings were delivered by my Executive Representative, the Sierra Leone Inspector General of Police, a representative of the Political Parties Registration Commission, and other senior Government officials. The Peacebuilding Commission commended the various actors on the ongoing technical preparations and on their efforts towards the prevention and management of election-related violence. It also reiterated its call to national actors, particularly political parties, to do their utmost to ensure free, fair and peaceful elections.

### **Preparations for the 2012 elections**

#### **I. Voter registration and other processes**

11. The data capture phase of biometric registration was successfully concluded on 26 March. This was followed by the consolidation of data; deduplication analysis; the printing of voter cards; the production and display of the provisional voter register and the distribution of voter cards.

12. The provisional voter register was displayed in all 2,998 voter registration and registration exhibition centres from 30 June to 16 July. During the period from 30 June to 4 July, registered voters were able to check their details on the register and collect their voter cards. On 19 and 20 July, the National Electoral Commission conducted an inquiry into cases of objection, rejection and inclusion in relation to the voter register. In accordance with the electoral laws, the Commission included and reregistered approximately 106,000 individuals on the register. It also made 33,000 corrections to the details of those already registered. As of 30 July, 2,425,027 of the 2,663,746 provisionally registered voters had received their voter cards and the Commission has made arrangements for the distribution of the remaining cards.

13. The National Electoral Commission has also taken steps to address cases of multiple voter registrations, which resulted in 794 cases being referred to the police for further action, of which 70 persons were charged. Criminal prosecutions were also launched by the police against minors suspected of attempting to register during the data capture phase of the biometric registration exercise. Following the arrest of these minors, the National Human Rights Commission of Sierra Leone expressed concern over the police handling of these cases and urged the authorities to respect and protect the rights of children. It also called on all political actors to refrain from manipulating children to register to vote in the elections for their own political gain.

14. Meanwhile, the National Electoral Commission, in particular through its Political Parties Liaison Committee, continued to engage with political parties, including SLPP, in order to increase the confidence of key stakeholders in the electoral process. In an effort to ensure transparency and credibility throughout the electoral process, the National Electoral Commission allowed political party representatives to observe both the deduplication phase in regard to data captured during voter registration and the Commission's administrative inquiry into cases in which objections had been lodged following the display of the provisional voter register, which identified cases of fraudulent registration revealed during the deduplication analysis of data captured in the registration process.

15. On 30 July, the National Electoral Commission announced increases in the candidate nomination fees for the November 2012 elections, which, however, were widely criticized by almost all the political parties. The increases, which will only be confirmed following parliamentary approval, required presidential candidates to pay 100 million leones, compared to 1 million leones in the 2007 elections; parliamentary aspirants, including ordinary and paramount chieftaincy candidates, to pay 25 million leones, compared to 100,000 leones in the 2007 elections; and local council chairs and mayoral candidates to pay 5 million leones. The National Electoral Commission justified the increase on a number of grounds, including the high cost of the elections. Nevertheless, civil society organizations objected to the proposed increases, stressing that they were too high and would adversely impact the participation of youth and women, as well as persons with disabilities in the electoral process. The National Human Rights Commission characterized the increases as disproportionate and inconsistent with several international human rights instruments to which Sierra Leone is a party. SLPP and several other political parties alleged that they would only benefit the ruling party and on 3 August issued a joint communiqué calling on Parliament to reject the National Electoral Commission's proposal and maintain the existing nomination fees.

16. The ruling APC did not sign the communiqué, while the United Democratic Movement agreed to the communiqué, but limited its objection to the increase in nomination fees prescribed for parliamentary and local council candidates. In response to those developments, the Commission consulted further with the political parties and issued a press release on 10 August announcing a reduction in the nomination fees for parliamentary candidates, including ordinary and paramount chieftaincy candidates, from 25 million to 10 million leones, and in local councillors' fees from 2 million to 1 million leones. However, the fees for presidential candidates remained unchanged. On 13 August, during a meeting with my Executive Representative, SLPP and five other political parties reiterated their objections to the revised fees and questioned the neutrality of the National Electoral Commission. They cited concerns that the new fees would not create a level playing field for the coming elections and that they would have insufficient time to raise funds. My Executive Representative encouraged the parties to utilize the democratic processes and work closely with the Political Parties Registration Commission to resolve the issue. In the meantime, on 10 August, the National Electoral Commission released the timetable for the submission of approved political party candidates.

## **2. Dispute resolution mechanisms**

17. On 19 July, the Chief Justice of Sierra Leone inaugurated the Electoral Offences Courts, an important dispute resolution mechanism for the elections. There will be six such courts: three in Freetown and one in each of the regional headquarter towns of Makeni, Bo and Kenema. On 3 and 4 August, UNIPSIL and the Government of Sierra Leone conducted training for judges, prosecutors, police investigators and other paralegal staff.

## **3. Electoral legislation**

18. During the reporting period, President Koroma assented to the Public Elections Law, which consolidates all electoral legislation into a single text. Prior to its passage in Parliament on 1 May, SLPP had raised a motion that the draft bill be submitted to a parliamentary committee for further scrutiny. However, that motion was defeated. On 25 May, the Supreme Court of Sierra Leone refused an application made by SLPP for an extension of time to serve a notice of appeal against the High Court judgement that affirmed the results of the 2007 presidential elections.

## **4. Election security**

19. The implementation of the Integrated Security-Sector Strategy for the 2012 elections, which was developed with the support of UNIPSIL, continued during the reporting period. With assistance from the Elections Basket Fund, 10,500 general duty police and 2,224 personnel of the Operations Support Division of the Sierra Leone Police have been trained on election-specific issues and public order management, with technical support provided by UNIPSIL. Moreover, communication equipment and vehicles for the security of the elections have been procured and mitigation measures have been put in place to address security threats identified by the security-sector agencies. In addition, the Government has committed an estimated US\$ 4 million to the security sector for the elections.

## **5. Election Steering Committee**

20. The Election Steering Committee, co-chaired by the Minister of Finance and Economic Development and the United Nations Development Programme (UNDP), met in April and June. During those meetings, the Committee, which is comprised of electoral management bodies, security-sector agencies, the National Election Watch — a coalition of civil society organizations — and international development partners, emphasized the need for robust and sustained voter information and education programmes, as well as careful budgetary planning by the National Electoral Commission.

## **6. Support to civil society and non-State actors**

21. Supported by UNIPSIL through the United Nations Peacebuilding Fund, the Political Parties Registration Commission, the National Commission for Democracy, the Independent Media Commission and civil society organizations have continued to implement projects aimed at promoting political participation, political tolerance, non-violence and national cohesion among non-State actors. As part of those projects, intra-party retreats for senior party executives of APC and the People's Movement for Democratic Change (PMDC) were held in April and May on the theme of strengthening democracy and political tolerance. Training on conflict

resolution was conducted by civil society organizations for the National Council of Paramount Chiefs and the Inter-Religious Council of Sierra Leone. The National Commission for Democracy carried out sensitization programmes in the country's 112 parliamentary constituencies, conveying messages of tolerance and the need for increased female participation in the political process. In addition, higher education institutions engaged students and politicians on issues of regionalism and national cohesion. In line with the recommendations of the Shears-Moses Commission of Inquiry, peace clubs were formed in 20 secondary schools in Freetown to encourage issue-oriented politics and non-violence, mainly targeting first-time voters. Ex-combatants also acted as messengers of peace to young people in short film sketches produced by UNIPSIL in April. Further engagement with young people has continued through peace messages from presidential candidates, which are being given prominence by popular music artists in the country.

## **B. Security developments**

22. The overall security situation remained calm. On 25 July, Parliament ratified the appointment by President Koroma of Major-General Samuel Williams as Chief of Defence Staff of the Republic of Sierra Leone Armed Forces. He replaced Major-General Robert Koroma, who retired on medical grounds.

23. The Arms and Ammunition Bill 2012, which was passed during the period under review, is awaiting the assent of President Koroma. The Bill provides a framework for the regulation of gun ownership in the country and for ensuring that Sierra Leone complies with its commitments under Economic Community of West African States (ECOWAS) conventions to regulate the use of small arms. It also makes provisions for the destruction of arms, which will facilitate the destruction of arms collected under the UNDP arms for development programme that was completed in 2005.

24. In the reporting period, the Government appointed coroners to investigate the circumstances that had resulted in the death of six persons in separate incidents involving the use of live ammunition by the Sierra Leone Police. On 16 April, during a strike by workers in Bumbuna, Tonkolili district, one woman was killed and several other persons were injured during attempts by the police to contain the ensuing disturbances. Two youths were shot dead by the police in Freetown on 5 June. A bike rider died on 15 June after an encounter with the police in the Goderich area of Freetown. Four youths suffered gunshot wounds in central Freetown on 9 July while the police were making arrests. In order to ensure that such incidents do not create challenges for the management of the elections, the Sierra Leone Police, with support from the United Nations, commenced a review of its Rules of Engagement in parallel with the development of a strategy on governance mechanisms in the force.

## **C. Economic and social developments and activities of the United Nations country team**

25. The Sierra Leone economy continued to expand, with the prospects for 2012 and the medium term remaining favourable to the emergence of new economic opportunities. Real gross domestic product (GDP) grew by 6 per cent in 2011,

partially as a result of increased agricultural production, mining and services. Additionally, economic growth was projected to make a one-time jump to 33 per cent in 2012, mainly on account of increased iron ore production, and will average 6 per cent in the period from 2013 to 2015. In the meantime, consumer price inflation continued to moderate as the leone stabilized and food inflation slackened. Inflation has declined from 16.9 per cent at the end of December 2011 to 14.1 per cent at the end of June 2012. It is likely that this downward trend will continue in the second half of 2012, with the exception of the anticipated risk of higher food prices at the peak of the rainy season.

26. Notwithstanding the challenges for fiscal performance in 2011, there was some improvement in the first half of 2012, during which budget execution was consistent with the Extended Credit Facility programme. As a result, with the exception of outstanding commitments, the challenges to fiscal execution in 2012 have been minimized. Domestic borrowing has also been contained within the programme target and the treasury bill rate has stabilized at between 23 and 28 per cent.

27. The overall current account deficit deteriorated to 50.6 per cent of GDP in 2011 on account of large imports of machinery for iron ore projects. However, it is projected to improve significantly to around 15 per cent of GDP in 2012 with an increase in iron ore exports. The external debt position remained at a reassuring debt-to-GDP ratio of 30 per cent at the end of 2011, while gross international reserves are projected to reach US\$ 410 million.

28. The significant expansion of the extractive industries is expected to sustain increased economic growth and generate significant Government revenue in the medium to long term. However, policies need to be developed to help generate employment opportunities for the growing population. In addition, diversification of growth sources is necessary, as well as an improvement of the business environment for the private sector. It will also be important for the Government to put in place a well-targeted social safety net that supports vulnerable households. Deepening the democratic process, including through credible elections, would help achieve sustainable longer-term and inclusive economic growth.

29. On 16 August, the Government of Sierra Leone stated that a presidential task force had been established to deal with the cholera outbreak in the country, which was gravitating towards an epidemic. As of 19 August, 216 persons had died from cholera and since January 2012, 11,654 cases of cholera had been reported. In the interim, emergency financial assistance was obtained from the Office for the Coordination of Humanitarian Affairs to assist in combating the outbreak. The Government, in collaboration with the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), the Sierra Leone Red Cross Society and civil society continued efforts aimed at cholera surveillance and medical treatment, water chlorination and the provision of safe drinking water. They are also promoting proper hygienic practices through the local media channels. In addition to supporting the response efforts of the Government in regard to the cholera outbreak, WHO assisted the Ministry of Health and Sanitation in planning, monitoring and implementing supplementary immunization campaigns for children under 5 with the objective of reducing infant mortality and morbidity. WHO also supported the Ministry in carrying out district- and central-level performance reviews, as well as in formulating a policy and strategic plan that focus on human resource needs in the

health sector. In July, the Minister of Health and Sanitation launched blood transfusion centres equipped by WHO in Kenema and Bo.

30. Efforts to strengthen the delivery of essential medical supplies have continued under the Government's free health-care initiative. Moreover, UNICEF and other partners have supported the Ministry of Health and Sanitation in forecasting requirements for purchasing and distributing essential medical supplies. Further progress was made in the area of the procurement of medical supplies through the passage of a parliamentary act which establishes an autonomous National Pharmaceutical Procurement Unit. The country's development partners have been supporting efforts to build up the capacity of such national institutions.

31. Ensuring access to justice and assistance for victims of conflict is integral to the peace consolidation process and a precondition for preventing future conflict. In that regard, on 25 June, the National Commission for Social Action, with assistance from the United Nations Peacebuilding Fund and technical support from the International Organization for Migration, commenced a new round of cash payments to the remaining victims of the civil war who have yet to receive any reparations for gross human rights violations suffered during the conflict.

32. Further to its invocation in June 2012 of the "ceased circumstances" clause of the Convention relating to the Status of Refugees with reference to Liberian refugees in Sierra Leone, the Office of the United Nations High Commissioner for Refugees (UNHCR) began making arrangements for the voluntary repatriation of 800 Liberians to their country of origin.

### III. Advancing peacebuilding

33. The second joint progress report on the implementation of the Agenda for Change, which was prepared by the Government of Sierra Leone in consultation with international partners, was published in August. The report focuses on the status of implementation of the Agenda for Change and outstanding targets and remaining challenges. The report will be discussed by the Peacebuilding Commission in September and will form the basis of the Commission's engagement with Sierra Leone over the coming months.

34. Preparations for the Agenda for Prosperity, the successor programme to the Agenda for Change, have already started. The Government has prepared the outline of the new programme, which envisages the following eight pillars: (i) economic diversification to promote inclusive growth; (ii) managing mineral resources; (iii) accelerating progress on the Millennium Development Goals for human development; (iv) international competitiveness; (v) employment and labour strategy; (vi) social protection; (vii) governance and public sector reforms; and (viii) gender. There will also be a chapter on cross-cutting issues, including environment and climate change, financing, monitoring and evaluation, the results framework and the poverty profile. In addition, the Government has established a technical team to coordinate this process with UNDP, representing the international development partners. Pillar working groups, with representation from United Nations agencies and programmes, are also in place to deliberate on development strategies and policies relating to the pillar thematic areas, as well as cross-cutting issues. The development strategies and an accompanying policy document are expected to be completed shortly.

## IV. Main risks for the consolidation of peace

### A. Transnational organized crime and illicit trafficking

35. The risk of illicit drug trafficking remains, although there has not been any major interdiction since the seizure of a plane-load of over 700 kilograms of illicit drugs in July 2008. UNIPSIL, jointly with the United Nations Office on Drugs and Crime (UNODC), continued to provide support to the Sierra Leone Transnational Organized Crime Unit in combating illegal drug trafficking, within the framework of the West Africa Coast Initiative. During the reporting period, two vehicles and one patrol boat were donated to the Unit by UNODC.

36. In the period under review, a large quantity of *cannabis sativa* in Kambia district in the Northern Province of Sierra Leone, was destroyed by the Transnational Organized Crime Unit with the support of the Government of Ireland. Meanwhile, discussions were under way to hasten the release of funds from international partners for the continuation of the Unit's operations. Funding is required for the construction of premises for the Unit and for the provision of support to the RSLAF Maritime Wing to assist it in its efforts to reduce illegal activities in the territorial waters of Sierra Leone. The Unit is currently investigating a case of human trafficking, which allegedly involved the smuggling of some 50 Sierra Leoneans out of the country, between April and May, on board a trawler that was apprehended by the Guinean authorities.

37. In May, UNODC, with the support of UNIPSIL, undertook an assessment of the criminal justice system, including prisons, in the framework of the West Africa Coast Initiative. The main objectives were to assess the needs of the system and support the Transnational Organized Crime Unit with the prosecution of criminal cases and in ensuring international cooperation concerning criminal matters. In this regard, a number of recommendations were formulated, inter alia, encouraging Sierra Leone to ratify the United Nations Convention against Transnational Organized Crime, to enact legislation to criminalize organized crime in line with the Convention, and to improve prison overcrowding and management.

38. In June, UNODC commenced an assessment of drug demand in Sierra Leone under its global project entitled "Treating drug dependence and its health consequences". The assessment is expected to be completed in August and will enable the adoption of appropriate action and intervention for drug prevention, treatment and care, as well as supporting the development of rapid national responses. On 26 June, UNIPSIL, in collaboration with UNODC, commemorated the International Day against Drug Abuse and Illicit Trafficking by advocating for a halt in drug-related violence, including during the 2012 election.

### B. Youth

39. To address the challenges posed by unemployment among young people, as well as to harness the potential of Sierra Leonean youth, the Government, in addition to establishing the National Youth Commission, created a new Ministry of Youth, Employment and Sports. As requested in the Act establishing the Commission, an annual report on the situation of the youth of the country has been submitted to relevant stakeholders for validation. The report, which was prepared

with technical and financial assistance from UNDP, addresses a range of issues, including youth in governance, and will form the basis for policy formulation on youth matters.

40. Other efforts to address the challenge of youth unemployment were undertaken in the reporting period. Five business support centres, managed by the National Youth Commission and financed by UNDP, began operations in July 2012. It is expected that they will provide assistance to at least 2,000 young people to establish and grow their businesses. A graduate internship programme was also launched in the period under review and will help 150 young people bolster their employment credentials through the acquisition of valuable and monitored work experience in selected institutions. In the meantime, UNDP continued the financing of career advisory and placement centres that provide job search assistance and soft skills training to at least 5,000 young people per year. Three additional centres will be opened by the end of 2012.

### **C. Corruption**

41. In the reporting period, the Anti-Corruption Commission continued its three-pronged approach to combating corruption based on prevention, investigation and prosecution. Through its outreach activities, the Commission noted that weak service delivery of Government departments, ministries and agencies has contributed to corrupt practices. On 7 August, the Commission reported that 552 billion leones had been recovered from corrupt individuals and corporate entities in the first six months of 2012. Regarding prosecutions by the Commission, as of 26 July, 17 cases had been submitted to the High Court in Freetown and eight to the Court of Appeal. On 10 August, the High Court convicted the Mayor of Freetown, from the ruling party, for corruption and a breach of procurement regulations. The Mayor was sentenced to a three-year prison sentence or alternatively a fine of 170 million leones. During the first session of the Implementation Review Group convened under the United Nations Convention against Corruption, Sierra Leone was selected to be reviewed for compliance with the Convention.

## **V. Support to democratic institutions**

### **A. National Electoral Commission**

42. The National Electoral Commission continued to play a lead role in the preparation and management of the forthcoming elections in Sierra Leone. The Commission also continued to receive technical and financial support from the UNDP-managed Elections Basket Fund, which enabled the establishment of a central data centre in Freetown. In addition, regional results and tallying centres will be established in Makeni, Bo, Kenema and Freetown in October. Finally, capacity development of staff was also undertaken, including through a BRIDGE training programme on election security.

## **B. Political Parties Registration Commission**

43. The former Chair of the Political Parties Registration Commission, Justice Samuel Ademusu, died in April 2012 and Justice Tolla Thompson, was appointed by President Koroma as his replacement. The appointment was approved by Parliament on 9 August. The Commission continued, with the support of UNIPSIL, to discharge its mandate of promoting inter-party dialogue, including through the implementation of the declaration on the 2012 elections signed on 18 May by the major elections stakeholders in Sierra Leone. The Commission also continued to implement programmes supporting the activities of the All Political Party Youth Association and the All Political Women's Association and the efforts of the District Code of Conduct Monitoring Committees to promote conflict resolution as well as political tolerance and non-violence. During the period under review, the Commission mediated disputes between political parties and monitored the conduct of the voter registration process. Parliament has yet to approve a bill granting authority to the Commission to penalize political parties for any infraction of the Political Parties' Code of Conduct.

## **C. Independent Media Commission**

44. The Sierra Leone media should play an indispensable role in contributing to peaceful elections through accurate and balanced reporting that avoids exploiting ethnic or other divisions in the country. While concerns remain with regard to regulating the conduct of the media, the Independent Media Commission issued, in July, a media code of practice, as part of the authority granted to it under the Independent Media Commission Act of 2000. The new code of practice was validated by the Sierra Leone Association of Journalists, as well as several other media organizations, which signed the code as a demonstration of their commitment. Additionally, media monitoring mechanisms were set in place, including through the procurement of electronic media software to assist in tracking radio stations, and the issuance of the IMC magazine entitled *Media Watch*. The Commission continued to examine ways of ensuring political neutrality on the part of media practitioners. In the same vein, the Guild of Editors was enhancing professional standards through a peer review of some Sierra Leone Broadcasting Corporation radio programmes.

## **D. Sierra Leone Broadcasting Corporation**

45. The Sierra Leone Broadcasting Corporation is also expected to play a vital role in advancing political pluralism by ensuring that it provides all political parties with equitable broadcasting access, particularly during the forthcoming elections. In the reporting period, with financial support from the United Nations Peacebuilding Fund and with technical advice provided by UNIPSIL, the Corporation issued draft elections guidelines that were formally adopted on 9 August by political parties. The Corporation has also expressed its commitment to establishing an elections unit.

46. UNDP and UNIPSIL engaged with the Corporation on the implementation of the recommendations made by the Presidential Task Force, as well as on external audits focused on improving the administration of the Corporation. During the reporting period, there was an improvement in the revenue collection and financial

management of the Corporation, as well as in news production and management. The Corporation has also reactivated its regional stations. Nevertheless, challenges remain for the formulation and implementation of a well-articulated business strategy that guarantees steady revenue to the Corporation and thus secures its independence. The United Nations continued to assist it in this area and in promoting the Corporation's adherence to media best practices in the subregion as part of a South-South approach.

#### **E. Parliament**

47. With assistance from international development partners, including the United Nations, progress has been made towards improving the capacity of Parliament through the provision of support to the Parliamentary Assistance Coordination Office. Additionally, the *Hansard* Section has been provided with transcription and docking equipment to enable it to document parliamentary proceedings, while consultants and trainers have been recruited to train staff of the various departments of the Parliamentary Service. They included a dedicated Technical Advisor to Parliament for capacity-building and resource mobilization. Parliament has assessed its strategic plan for the period from 2009 to 2013, and has presented a draft outline programme of support to potential donors. In the reporting period, Parliament approved the Public Elections Act.

#### **F. Decentralization**

48. On 6 June, the European Union announced that it would co-finance with the World Bank the second phase of the decentralized service delivery programme, the cost of which is estimated at US\$ 32 million. The programme, which will continue until December 2015, is aimed at strengthening the capacity of central and local government to manage decentralized services and improve the availability of central government funding to the councils. On 10 July, the Vice-President, Samuel Sam-Sumana, launched the local economic development programme, which is part of the Government's decentralization policy. Its objective is to assist the economic development of local governments through partnerships with the private sector, as well as with civil society and community-based organizations.

### **VI. Human rights and the rule of law**

#### **A. National Human Rights Commission**

49. The Human Rights Commission of Sierra Leone (HRCSL) began public hearings in July into an incident in Bumbuna, Tonkolili district, in which one person was killed by the police in April during a strike by workers of the African Minerals company. The Commission will determine if any human rights violations occurred, including the use of excessive force by the police. The hearings are the second exercise of the Commission's quasi-judicial capacity. The first public hearing took place in 2011 to consider the case of ex-RSLAF personnel who challenged their discharge on the grounds of mental imbalance that had resulted in a reduction in their separation entitlements. The Commission found in their favour and ordered the Government to pay their full benefits.

50. On 30 and 31 May, the Human Rights Commission organized a National Consultative Conference on Human Rights and Elections, on the theme "Making human rights real in the 2012 elections". Over 200 participants and key stakeholders, including political party representatives, attended the conference, which concluded with the adoption of a resolution highlighting the freedoms of opinion, expression, assembly, association and movement, and other human rights. On 24 July, Parliament ratified the appointment of three members of the Human Rights Commission of Sierra Leone nominated by President Koroma to replace three former commissioners whose tenure had expired in December 2011. The vacancies for the position had been advertised in the national media and civil society representatives had had an opportunity to provide input to the selection process.

#### **B. Rights of persons with disabilities**

51. Sierra Leone has taken important steps towards ensuring the rights of persons with disabilities by ratifying the Convention on the Rights of Persons with Disabilities in 2010 and enacting the Disability Act in 2011, which was followed by the development of a road map for the creation of a national commission on persons with disabilities in 2012. Additionally, on 15 June, President Koroma appointed the Chairman of the Commission on the basis of nominations provided by all ministries and organizations dealing with disabled persons.

52. On 7 June, the Freedom of Information Bill, which was one of the recommendations made during the 2011 universal periodic review process of the Human Rights Council, was submitted to Parliament by the Minister of Information and Communications. The bill is aimed at promoting transparency, accountability and good governance. However, some parliamentarians have raised concerns about the absence of appropriate structures needed for the bill's implementation.

#### **C. International treaty reporting**

53. The Government of Sierra Leone, with the support of UNIPSIL, submitted its first report on implementation of the International Covenant on Civil and Political Rights. Draft reports on the country's compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment and the African Charter on Human and Peoples' Rights are under review by the Attorney General.

#### **D. Technical cooperation and capacity-building**

54. Pursuant to the Mission's mandate to build national capacity for the protection and promotion of human rights, several activities were undertaken in the reporting period, including supporting the Government in the implementation of the recommendations of the Truth and Reconciliation Commission and the universal periodic review process. The Office of the United Nations High Commissioner for Human Rights, with the support of the United Nations Peacebuilding Fund, continued providing assistance to the Human Rights Commission of Sierra Leone.

55. UNIPSIL supported the third National Consultative Conference of District Human Rights Committees in Kenema, which covered election monitoring. It also supported radio broadcasts in the northern and eastern regions of the country to raise awareness of the rights of disabled persons. Additionally, it conducted several human rights training programmes for prison and police officers, as well as civil society organizations and traditional leaders, on the administration of justice and the rule of law; economic, social and cultural rights; political participation by persons with disabilities; and sexual and gender-based violence.

## **VII. Gender issues**

56. During the reporting period, the United Nations continued its collaboration with the Government and other stakeholders on women's empowerment and the achievement of the 30 per cent quota for women's participation. The efforts of the United Nations were also focused on the implementation of the National Gender Strategic Plan and the Sierra Leone National Action Plan, which are based on Security Council resolutions 1325 (2000) and 1820 (2008). To that end, assistance was provided for the establishment of a technical committee of the "M30 Task Force", a coalition of civil society organizations, to ensure strategic support for the draft gender equality bill. The bill has undergone a critical review by the committee and is expected to be submitted shortly for printing, prior to the commencement of the pre-legislative process. The United Nations has also provided support to the sensitization and advocacy initiatives of civil society organizations and parliamentary groups on the proposed bill.

57. Working with the All Political Parties Women's Association, the Council of Women Councillors and other groups, the United Nations has supported the identification and putting forward of female electoral candidates and the building of their capacity. The All Political Parties Women's Association, which is also a forum for conflict resolution and mitigation, conducted its convention for national delegates from 15 to 17 July. During the reporting period, the United Nations and its partners conducted two training programmes on media coverage for female electoral candidates, which were attended by over 70 participants.

## **VIII. Special Court for Sierra Leone**

58. On 26 April, the Special Court for Sierra Leone sitting at The Hague convicted the former President of Liberia, Charles Taylor, of crimes against humanity and violations of international humanitarian law committed in Sierra Leone from 30 November 1996 to 18 January 2002. The judgement was welcomed in Sierra Leone, where the court proceedings were transmitted via video link to Freetown and broadcast on local radio stations to enable the victims and the public to follow the trial. At a hearing on 30 May, Mr. Taylor was sentenced to 50 years' imprisonment. However, on 18 June, the Defence indicated that it would appeal the judgement. As a result, a revised Special Court of Sierra Leone completion strategy was issued, projecting the delivery of an appeals judgement in the Taylor case in September 2013. Meanwhile, the Court is hearing three contempt of court cases arising from attempts to interfere with witnesses in the Taylor trial. On 15 June, a guilty verdict was delivered in one of the cases, while the other two cases remain pending.

## IX. Regional cooperation

59. In the reporting period, Sierra Leone continued to maintain good relationships with its neighbours, including through the Manu River Union and the Economic Community for West African States, with President Koroma attending meetings of both organizations.

60. Concerning the Yenga border issue between Guinea and Sierra Leone, President Koroma and the President of Guinea, Alpha Condé, reaffirmed, at a meeting in June, their intention to resolve the matter peacefully. In a joint declaration signed by the two Governments in Freetown on 27 July, both sides reaffirmed their commitment to demilitarizing the Yenga border area and to ensuring that their respective armed forces implemented the joint declaration. On 16 August, the Government announced that the Yenga border area had been demilitarized and reiterated its strong support for the Joint Technical Committee established by both countries to ensure a final resolution of the dispute.

61. Further to those developments, and with assistance from the United Nations Peacebuilding Fund, UNIPSIL and the Manu River Union Secretariat have commenced discussions on possible projects and activities to be undertaken in the border areas of Guinea, Sierra Leone and Liberia. The main objective of the projects will be to strengthen linkages and peaceful coexistence among communities in the border areas and to address common cross-border challenges. A conference of the electoral management bodies of the four Manu River Union member States, Côte d'Ivoire, Guinea, Liberia and Sierra Leone is scheduled to take place in Freetown in mid-September for the exchange of experience and best practices in the management of elections.

## X. Observations and recommendations

62. Sierra Leone has continued to make significant progress in consolidating its hard-won peace and building democratic foundations. Nonetheless, a number of challenges remain and concerted efforts need to continue in order to tackle issues identified by the country's Truth and Reconciliation Commission. These include: addressing unemployment, in particular among young people; consolidating and strengthening the country's democratic institutions; promoting national reconciliation and national cohesion and a culture of political tolerance among the country's political actors; managing the exploitation of the nation's natural resources, including newly found vast mineral riches, for the benefit of the country and its people; and combating corruption. In addition, addressing the threats posed by transnational organized crime, such as illicit drug trafficking, will remain an important priority for the country. As focus shifts towards the elections, continuing attention also needs to be given to ensuring that the post-election period will be peaceful, as well as tackling effectively the root causes of the conflict, which if left unaddressed will have the potential to reverse the important gains the country has made in the past decade.

63. Progress in the exploitation of the country's mineral resources, including potentially commercially viable oil reserves, and its proper management would help to improve the Government's finances and enable it to sustain the requisite level of economic growth to address its socioeconomic challenges. However, in the short to

medium term, the assistance of the country's international partners will continue to be required to address the remaining key challenges as Sierra Leone transitions from a post-conflict to a development phase. In particular, resources will be required from international partners for the full implementation of the Government's planned Agenda for Prosperity, as well as other major national economic programmes. The work of the Anti-Corruption Commission in combating corruption will also continue to be crucial for promoting the confidence of the citizenry in governance.

64. The main political development in the coming months will be the November 2012 presidential, parliamentary and local council elections. The elections, the third since the end of the conflict, will be an important determinant of how much progress has been made in consolidating peace in the country. Of the utmost importance is the need to ensure that the elections are conducted peacefully, without recourse to political violence. I commend the stakeholders in Sierra Leone, including the country's political parties, for the commitments they have made in signing the Declaration of 18 May 2012, and call upon them to adhere to those commitments as they enter the crucial phases of the electoral process.

65. I welcome the release by the Government of the white paper on the Shears Moses Commission of Inquiry and have taken note of the ongoing prosecution of political party supporters implicated in acts of political violence, which will assist in deterring such activities. I encourage the Government to continue to expedite efforts aimed at establishing an independent police complaints committee and at implementing other recommendations of the white paper. I reiterate my call to the political parties to take national ownership of the political process and to set aside their differences in the larger national interest of ensuring that the elections are conducted peacefully.

66. The success of those elections and the country's continued progress towards achieving the aspirations of its people can only be realized if all Sierra Leoneans work together, respecting the rule of law and the country's Constitution in a peaceful political process. The discharge of their respective duties by the democratic institutions of Sierra Leone will give the elections credibility and legitimacy. I encourage the Sierra Leonean security agencies, which have the primary responsibility for maintaining law and order during the elections, to exercise their responsibilities in a professional and impartial manner.

67. In the same vein, other national stakeholders, including the political parties, civil society and, indeed, individual citizens have the duty to act within the limits of the law, and to work with the law enforcement agencies to create a peaceful environment for the elections. The Political Parties Registration Commission has a key responsibility for furthering dialogue with the political parties. In this context, I urge the Commission to work towards securing the full adherence of all the political parties to the Declaration of 18 May 2012. I also call on Parliament to enact the legislation for the reform of the Political Parties Registration Commission, which includes giving the Code of Conduct the necessary legal authority, thus improving the Commission's oversight of the political parties.

68. I welcome the ongoing arrangements for the elections and encourage the National Electoral Commission to continue to engage in constructive dialogue with national stakeholders, particularly through the Political Parties Liaison Committee, as a forum for consultations and the exchange of vital information on the electoral process.

69. The media in Sierra Leone should play a constructive role to ensure the success of the elections by disseminating accurate information, educating the public and promoting dialogue. The media should refrain from spreading messages of hate, division and national discord. I urge the Independent Media Commission to play a more proactive role in discharging its regulatory functions by enforcing its Code of Media Practice. I also call on the media and professional associations in the country, in particular the Sierra Leone Association of Journalists and the Guild of Editors, to cooperate with the Independent Media Commission in the discharge of its responsibilities.

70. Enhancing the participation of women in the political process in the 2012 elections is a key objective, which the United Nations fully supports. In this regard, I welcome the increased commitment of the Government of Sierra Leone to promoting gender equality, and the proactive role played by various stakeholders, including political parties and civil society groups, in ensuring the implementation of Security Council resolution 1325 (2000).

71. The international community has been instrumental in bringing peace to Sierra Leone and consolidating peace in the country. I therefore urge international partners to remain seized of the peacebuilding process in the country, particularly in the run-up to the November elections. The Peacebuilding Commission has a critical role to play at this stage. I wish to express my appreciation to the Sierra Leone Configuration of the Peacebuilding Commission, through its Chair, Ambassador Guillermo E. Rishchynski, for its strong support in furthering the consolidation of peace in Sierra Leone and for its critical engagement with national and international stakeholders in connection with the 2012 elections.

72. In view of the importance of the forthcoming elections and the need to assist the Government and key stakeholders in the electoral process, and taking into account critical tasks to be accomplished after the elections, including the provision of support for the resolution of any post-election concerns, facilitating the smooth transition into office of any newly elected Government, supporting efforts aimed at building national cohesion and reconciliation, and enabling the preparation of a transition plan and an exit strategy for UNIPSIL, I recommend a renewal of the mission's mandate for a further eight to nine months, during which period I intend to dispatch a United Nations inter-agency technical assessment mission to Sierra Leone to conduct a review of progress made in the implementation of the Mission's mandate and to advise me in that regard.

73. I wish to thank President Koroma and his Government for their continued cooperation with the United Nations. I am also grateful to the international development partners of Sierra Leone for their generous support of the country's peacebuilding process. Finally, I thank my Executive Representative, Jens Toyberg-Frandzen, and the staff of UNIPSIL, the United Nations agencies and programmes, as well as other international partners for their continued collaboration with UNIPSIL in the discharge of its mandate.



## Security Council

Distr.: General  
31 August 2012

Original: English

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**Letter dated 31 August 2012 from the Permanent Representative of  
the Democratic People's Republic of Korea to the United Nations  
addressed to the President of the Security Council**

I have the honour to transmit herewith the memorandum of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea entitled "Democratic People's Republic of Korea terms hostile United States policy main obstacle in resolving nuclear issue", released on 31 August 2012 (see annex).

I should be grateful if you could have the present letter and the annex thereto circulated as a document of the Security Council.

(Signed) **Sin Son Ho**  
Ambassador  
Permanent Representative



**Annex to the letter dated 31 August 2012 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council**

**Democratic People's Republic of Korea terms hostile United States policy main obstacle in resolving nuclear issue**

**Memorandum of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea**

On 20 July last, the Ministry of Foreign Affairs of the Democratic People's Republic of Korea announced that it has reached the point of having to completely re-examine the nuclear issue due to the continued hostile policy of the United States towards the Democratic People's Republic of Korea.

The hostile United States policy is the root cause that has turned the Korean peninsula into the most dangerous hotspot in the world, and it is also the main obstacle to durable peace and stability.

The nuclear issue on the Korean peninsula is none other than the outcome of the hostile United States policy, and therefore only when the United States abandons its hostile policy will it be possible to resolve the issue.

The Ministry of Foreign Affairs of the Democratic People's Republic of Korea issues the following memorandum to shed light on the contrast between the United States claim of having no hostile intent towards the Democratic People's Republic of Korea and its actual behaviour.

**1. The hostile concept that blocks the settlement of the nuclear issue**

An important agreement was announced on 29 February 2012 as a result of the high-level talks between the Democratic People's Republic of Korea and the United States. The United States reaffirmed that it no longer has hostile intent towards the Democratic People's Republic of Korea and that it is prepared to take steps to improve the bilateral relations in the spirit of mutual respect for sovereignty and equality, and agreed to provide a substantive amount of food assistance to the Democratic People's Republic of Korea. The Democratic People's Republic of Korea, considering the concerns of the United States, agreed to a moratorium on nuclear tests, long-range missile launches and uranium enrichment activity while productive dialogues continue.

However, when the Democratic People's Republic of Korea launched "Kwangmyongsong 3", an artificial satellite for peaceful purposes, on 13 April last, the United States took issue with it, arguing that the space launch was based on the same technology as the long-range missile launch, and went ahead with unilaterally abrogating the 29 February agreement, upgrading sanctions on the Democratic People's Republic of Korea.

It is true that both satellite carrier rockets and missiles with warheads use similar technology. However, when other countries conduct a satellite launch, the United States neither takes issue with any of it, calling it a missile launch, nor takes

actions such as imposing sanctions. The United States saw our satellite carrier rocket as a long-range missile that would one day reach the United States because it regards the Democratic People's Republic of Korea as an enemy.

That is the reason why the first agreement reached between the Democratic People's Republic of Korea and the United States since the Obama administration took office ended up in failure, as have previous Democratic People's Republic of Korea-United States agreements.

At the beginning of the Democratic People's Republic of Korea-United States bilateral talks held during the Clinton administration, the United States pledged "assurances against the threat and use of force, including nuclear weapons" (Democratic People's Republic of Korea-United States Joint Statement, 11 June 1993).

At the final stage of the bilateral talks, the United States agreed to "move towards full normalization of the political and economic relations" with the Democratic People's Republic of Korea (Democratic People's Republic of Korea-United States Agreed Framework, 21 October 1994).

The United States also declared that it would not have hostile intent towards the Democratic People's Republic of Korea (Democratic People's Republic of Korea-United States Joint Communiqué, 12 October 2000).

However, all these commitments were not honoured, but were broken off overnight with the change of each United States administration.

The Bush administration turned down all the Democratic People's Republic of Korea-United States agreements reached during the Clinton administration, listed the Democratic People's Republic of Korea as an "axis of evil" and singled it out as a target of pre-emptive nuclear strike (State of the Union Address, 30 January 2002, and Nuclear Posture Review, March 2002).

The extremely dangerous hostile policy pursued by the Bush administration forced the Democratic People's Republic of Korea to withdraw completely from the Treaty on the Non-Proliferation of Nuclear Weapons and direct its peaceful nuclear power industry for producing electricity to the building-up of a self-defensive nuclear deterrent.

At the six-party talks, the United States affirmed that it has "no intention to attack or invade the Democratic People's Republic of Korea with nuclear or conventional weapons" (Joint Statement of the Six-Party Talks, 19 September 2005).

As action steps to implement the 19 September Joint Statement, the United States gave assurances that it would improve relations with the Democratic People's Republic of Korea and move towards full diplomatic relations (Six-Party Talks Agreements, 13 February and 3 October 2007).

However, four years have elapsed since the last round of the six-party talks, which was held in December 2008 and has not yet resumed. During the intervening time, the level of United States hostility towards the Democratic People's Republic of Korea was not lowered, but further increased.

The first step the Obama administration took towards the Democratic People's Republic of Korea was taking issue with the Democratic People's Republic of Korea's launch of the peaceful satellite "Kwangmyongsong 2".

The extreme hostile policy of the United States aimed at depriving the Democratic People's Republic of Korea of its sovereign right to the peaceful use of outer space, a right recognized by international law, referred to the Democratic People's Republic of Korea's self-defensive response, namely, another nuclear test. It again led to the repetition of the vicious cycle of mistrust and confrontation; the United States imposed ever harsher sanctions on the Democratic People's Republic of Korea; and the Democratic Republic of Korea responded by starting the construction of a light-water reactor on its own and the production of enriched uranium to meet the fuel needs for the light-water reactor.

The reality proves that unless the long-held hostile concept of the United States towards the Democratic People's Republic of Korea is rooted out entirely, nothing can be resolved; rather, the confrontation and the risk of conflict will increase.

In the early stages of the Democratic People's Republic of Korea-United States talks, the Democratic People's Republic of Korea maintained that the United States should first abandon its hostile policy in order to resolve the nuclear issue, whereas the United States insisted that the Democratic People's Republic of Korea should first give up its nuclear programme in order to normalize the Democratic People's Republic of Korea-United States relations. In the process, thanks to the sincerity and generosity of the Democratic People's Republic of Korea, the principle of simultaneous action steps, known as "word for word" and "action for action", was agreed upon and served as the basis for the Dialogue.

The 20-year-long history of the talks between the Democratic People's Republic of Korea and the United States has shown that even the principle of simultaneous action steps is not workable unless the hostile concept of the United States towards the Democratic People's Republic of Korea is removed.

## **2. The root of the hostile policy of the United States towards the Democratic People's Republic of Korea**

The hostile policy of the United States towards the Democratic People's Republic of Korea has deep historical roots. The post-war generation in the United States and other countries has no proper understanding of the historical roots of the hostile United States policy towards the Democratic People's Republic of Korea; they are not aware of the fact that the nuclear issue on the Korean peninsula stems from the hostile United States policy towards the Democratic People's Republic of Korea and even misunderstand that the United States is hostile to the Democratic People's Republic of Korea because of the nuclear issue.

The fact is that the hostility of the United States towards the Democratic People's Republic of Korea is not based on the nuclear issue of the Korean peninsula. The Democratic People's Republic of Korea had no other choice but to develop nuclear weapons, because of the hostile policy and the increasing nuclear threat from the United States, which is the world's biggest nuclear power.

From the very beginning, the United States defined the Democratic People's Republic of Korea as an enemy and refused to recognize its sovereignty. The United States continued to step up its hostile moves against the Democratic People's Republic of Korea, with the ultimate goal of overthrowing the political system of our people's choice.

The institutional and legal mechanism against the Democratic People's Republic of Korea was in place long before the rise of the nuclear issue. Military attacks and nuclear threats aimed at eliminating our ideology and system have been openly committed, and economic sanctions and international pressure for isolating and suffocating the Democratic People's Republic of Korea have been persistent.

The end of World War II meant the beginning of the Cold War between the East and the West. The United States needed a bridgehead to contain the "southward expansion" of the then Soviet Union and to make an inroad into the Eurasian continent. It was out of this requirement that the United States hurriedly drew a line along the 38th parallel before the surrender of Japan in order to secure that bridgehead. This led to the tragic division of the Korean nation and its territory.

For the United States engaged in the Cold War, the area south of the 38th parallel was its ally and that north of it was the enemy.

It is a general international practice for States to establish diplomatic relations with a new independent sovereign State. The establishment of diplomatic relations between countries does not necessarily mean especially favourable sentiment or close friendship; it is an indication of political stand that they regard each other as an equal part of the international community.

Despite the differences in political ideologies and systems, the United States established diplomatic relations with the former Soviet Union as well as other socialist countries in Eastern Europe. However, the United States refused even to call the Democratic People's Republic of Korea by its official name, to say nothing of the establishment of diplomatic relations.

The United Nations recognized the sovereignty of the Democratic People's Republic of Korea when it joined it in 1991. The Democratic People's Republic of Korea currently maintains diplomatic relations with 166 countries, which account for about 86 per cent of the United Nations membership. The United States, however, refuses to recognize the Democratic People's Republic of Korea as a sovereign State with which it may coexist in the international community.

Out of 193 Member States of the United Nations, only the Democratic People's Republic of Korea, together with Iran and Cuba, have no diplomatic ties with the United States. This clearly shows that the United States pursues an extremely hostile policy towards these countries — an unprecedented case in the history of contemporary international relations. The hostile policy of the United States towards the Democratic People's Republic of Korea finds its clearest expression in the military area.

The Democratic People's Republic of Korea and the United States have been technically at war against each other for more than 60 years, even after the end of the war; no comparable example can be found in modern history.

The Korean Armistice Agreement, concluded on 27 July 1953, is by no means an agreement that officially ended the war. Nor is it a lasting peace treaty. The

Korean Armistice Agreement was a transitional measure aimed at withdrawing all foreign troops from the Korean peninsula and ensuring permanent peace.

However, the United States deliberately chose to prolong the status of armistice. In November 1953, the United States defined as its ultimate goals on the Korean peninsula maintaining the ceasefire regime, making south Korea its "military ally" and preventing the spread of communism across the entire Korean peninsula until "pro-United States unification" was achieved (United States National Security Council Resolution No. 170).

Accordingly, the United States intentionally broke off the Geneva conference on the peaceful resolution of the Korean issue in June 1954 and violated and nullified the key provisions of the Korean Armistice Agreement step by step by introducing modern military equipment, including nuclear weapons, into south Korea and by stepping up aggressive military exercises.

The United States turned down numerous peace proposals and initiatives put forward by the Government of the Democratic People's Republic of Korea, such as the proposal for the conclusion of a peace treaty between the Democratic People's Republic of Korea and the United States (1970s), the tripartite talks proposal to include south Korea in the Democratic People's Republic of Korea-United States talks (1980s) and the proposal for the establishment of a new peace mechanism (1990s).

The Democratic People's Republic of Korea, China, the United States and south Korea sat for the four-party talks in the late 1990s to set up a lasting peace regime on the Korean peninsula. However, the talks could not produce any result, due to the absence of sincerity on the United States side.

At the beginning of the new century, the Democratic People's Republic of Korea proposed that the signatories to the Korean Armistice Agreement sit together to discuss declaring the end of the war and that the talks should be held to replace the Armistice Agreement with a peace treaty on the occasion of the sixtieth anniversary of the outbreak of the Korean War (Declaration for the development of North-South relations and peace and prosperity, 4 October 2007, and Statement of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea, 11 January 2010). However, the United States turned a blind eye to all the above proposals.

The United States remains unchanged in its dogged position as regards the peace proposals of the Democratic People's Republic of Korea; the United States position is that the conclusion of a peace treaty is premature and the ceasefire regime is to be maintained. This means that the United States would continue to regard the Democratic People's Republic of Korea as its enemy and as a warring party.

The United States has an array of different categories of war plans and scenarios targeting the Democratic People's Republic of Korea, such as "OPLAN 5029", "OPLAN 5030", "OPLAN 5012", etc.; all these plans are for an armed invasion of the Democratic People's Republic of Korea and the setting up of its military rule.

It is pursuant to these war plans that the United States keeps on conducting various kinds of joint military exercises, such as "Focus Retina", "Freedom Bolt",

"Team Spirit", "RSOI", "Key Resolve", "Foal Eagle", "Ulji Freedom Guardian", etc. All the above exercises seek to achieve the same goal but are conducted under different names.

The United States economic sanctions against the Democratic People's Republic of Korea are an important tool for the pursuit of its long-standing hostile policy towards the Democratic People's Republic of Korea.

The United States curtails trade with the Democratic People's Republic of Korea and imposes all sorts of economic sanctions on such accusations that the Democratic People's Republic of Korea threatens regional stability, does not cooperate with the United States in its anti-terrorism efforts and engages in proliferation of weapons of mass destruction, and that the Democratic People's Republic of Korea is a communist State, a non-market economy, etc. (United States Congressional Research Service Report, 25 April 2011).

In particular, economic sanctions imposed on the Democratic People's Republic of Korea before the rise of the nuclear issue have nothing to do with the nuclear issue and merely reflect the hostile concept of the United States towards the Democratic People's Republic of Korea.

Having defined the Democratic People's Republic of Korea as a "Marxist-Leninist state with a communist government", the United States has long maintained sanctions against the Democratic People's Republic of Korea (Export-Import Bank Act of 1945, as amended, and Foreign Assistance Act of 1961).

The United States began to apply the Trading with the Enemy Act to the Democratic People's Republic of Korea in December 1950. A few days later, the United States Department of the Treasury issued Foreign Assets Control Regulations to forbid any financial transactions involving, or on behalf of, the Democratic People's Republic of Korea.

On 26 June 2008, more than half a century later, the then United States President Bush took measures to terminate the application of the Trading with the Enemy Act as regards the Democratic People's Republic of Korea, pursuant to the agreement reached at the six-party talks. However, on the same day, Bush declared a state of emergency, saying that the weapons-usable fissile material in the possession of the Democratic People's Republic of Korea constitutes an unusual and extraordinary threat to the security of the United States and that other provisions of sanctions on the Democratic People's Republic of Korea should remain effective under the terms of the International Emergency Economic Powers Act and the National Emergencies Act. It meant that all property and interests of the Democratic People's Republic of Korea which had been blocked as of 16 June 2000 would remain blocked and that a United States national would not be allowed to register, own, lease, operate or insure a vessel flying the flag of the Democratic People's Republic of Korea.

The effectiveness of this measure has been intensified and extended annually by President Obama, who issued two Executive Orders — No. 13551 (August 2010) and No. 13570 (April 2011). It means that the Trading with the Enemy Act — nominally no longer applicable to the Democratic People's Republic of Korea — actually continues to maintain its effect under a different name.

The Trade Agreements Extension Act of the United States required the suspension of most-favoured-nation trade status for all communist countries. However, this Act was applied to the Democratic People's Republic of Korea as early as 1 September 1951 — long before the establishment of the socialist system in the Democratic People's Republic of Korea. As a result, the Democratic People's Republic of Korea was denied normal trade relations with the United States.

The Democratic People's Republic of Korea tops the list of countries to which the United States applies its highest tariff rate. This means that the Democratic People's Republic of Korea would have to pay the highest tariff if it is to export its products to the United States. The Democratic People's Republic of Korea and Cuba are the only countries to which the United States applies this rule. The Trade Act of 1974 defined the Democratic People's Republic of Korea as a communist State. Therefore, the Democratic People's Republic of Korea is denied mutually preferential treatment in trade relations with the United States.

The extent of the obsession with the hostile concept towards the Democratic People's Republic of Korea on the part of the United States finds clear expression in the terms and provisions of the United States-instigated United Nations Security Council resolution adopted in the wake of the Democratic People's Republic of Korea's first nuclear test. The United States sneaked a provision that banned the export and import of luxury goods as regards the Democratic People's Republic of Korea — a provision that has no relevance at all to the nuclear issue — into the resolution and rushed it through. It was a mean and foolish plot to undermine the reputation of our supreme leadership and drive a wedge between the leadership and our people.

Although the United States nominally removed the Democratic People's Republic of Korea from the list of State sponsors of terrorism on 11 October 2008, under the agreement reached in the course of the six-party talks, no sanctions on the Democratic People's Republic of Korea had actually been eased or lifted in effect because those sanctions are overlapped by different United States domestic laws under different pretexts.

The sanctions listed above are only the tip of the iceberg of the economic sanctions which the United States applies to the Democratic People's Republic of Korea.

According to the 2006 statistics published by the United States Congressional Research Service, the United States imposes some 40 different kinds of sanctions on the Democratic People's Republic of Korea; however, only a quarter or so of these sanctions are based on the difference in political systems.

The remaining three quarters of the sanctions — sanctions under the pretext of "threat to the security of the United States", "proliferation of weapons of mass destruction", "sponsor of terrorism", "human rights", "religious freedom", "money-laundering", "missile development", "human trafficking", etc., many of which are based on absurd allegations — are applied at the discretion of the United States President or relevant departments of the United States administration.

This points to the unjustifiable discrepancy between the words and the deeds of the United States administration that claims to have "no hostile intent".

Since the root cause — the hostile concept — remains, it will take more than words to remove it.

### **3. Renunciation of the hostile policy is a prerequisite for the settlement of the nuclear issue**

The hostile policy pursued by the United States makes the prospect of denuclearizing the Korean peninsula all the more gloomy.

At the present stage, there is no possibility of the United States giving up its hostile policy towards the Democratic People's Republic of Korea. The actions taken by the United States towards the Democratic People's Republic of Korea grow more hostile day by day, despite the claims made by the United States authorities that they have "no hostile intent" towards the Democratic People's Republic of Korea.

In April this year, they flagrantly violated the sovereignty of the Democratic People's Republic of Korea by unjustly challenging our peaceful satellite launch. In the wake of this, there occurred an unprecedented incident: the United States army stationed in south Korea fired live bullets at the Democratic People's Republic of Korea national flag, using it as a target.

This was followed by an extreme provocative action on the part of the United States intelligence institution which manipulated the south Korean intelligence plot-breeding agency to fabricate a plot to demolish statues of the peerlessly great persons of Mount Paektu. At the same time, the bilateral and tripartite aggression war exercises are on the increase between the United States and its followers in and around the Korean peninsula, and their offensive nature and scope are being steadily expanded and strengthened.

All facts show that the intensity of the hostility of the United States towards the Democratic People's Republic of Korea is being escalated.

This has a nexus with the new defence strategy of the United States made public by the Obama administration on 5 January 2012.

This strategy envisages increasing the United States armed forces in the Asia-Pacific region to the level of 60 per cent of all its military personnel stationed abroad by way of a 10 per cent drawdown of its armed forces stationed in Europe by 2020.

In general, the arms build-up necessitates justification of the "existence or threat of the enemy". The only country that the United States can consider as its enemy in North-East Asia is the Democratic People's Republic of Korea. Each of the big countries normally would not describe one of the others as an enemy. This means that the United States will perceive the Democratic People's Republic of Korea as its enemy for the purpose of augmenting its armed forces for a long enough time to enable it to realize its new defence strategy.

In addition, the new defence strategy does not guarantee that the United States will not occupy the whole Korean peninsula through a direct armed invasion, in order to form its military encirclement around the big countries in Eurasia.

The prevailing situation urges the Democratic People's Republic of Korea to prevent the recurrence of war in the Korean peninsula by all means and carry out thoroughgoing preparations to wage a war for national reunification, in case such a war is inevitably forced upon us.

This is the motive and backdrop for us to completely re-examine our nuclear issue.

The United States has two paths before it.

One path is to make bold and fundamental change in its Cold War mindset to renounce its anachronistic policy towards the Democratic People's Republic of Korea, and thus contribute to the peace and security in the Korean peninsula and pave the way for ensuring its own security.

If the United States shows such courage in action, we will be willing to respond to it.

The great leader Comrade Kim Jong Il said on 4 August 1997 that we did not intend to regard the United States as a sworn enemy, but wished for the normalization of Democratic People's Republic of Korea-United States relations.

The respected Marshal Kim Jong Un wants to open up a new chapter for the development of relations with the countries friendly towards us, unbound from the past.

Another path is to continue the hostile United States policy as of today, resulting in further expansion and building-up of the Democratic People's Republic of Korea's nuclear arsenal.

If the United States seeks to serve its further interests at the cost of sacrificing the Democratic People's Republic of Korea's interests, it will be inevitably met by a strong response from the Democratic People's Republic of Korea.

The Democratic People's Republic of Korea has already emerged as a full-fledged nuclear-weapons State, and the era when the United States threatened the Democratic People's Republic of Korea with the atomic bomb has gone by. We will not sit idle watching the increased hostile moves of the United States, but will make every effort to defend the destiny of the country and the nation.

It would be a great mistake to regard our strong position as a kind of tactic.

We opted for building up our nuclear deterrent, not because we wanted to trade it off for something, but because we had to counter the moves of the United States, the biggest nuclear power in the world, aimed at eliminating the Democratic People's Republic of Korea.

Our nuclear deterrent for self-defence is a treasured sword that prevents war and ensures peace and stability on the Korean peninsula.

If the United States does not make the correct choice, the Democratic People's Republic of Korea's nuclear possession will inevitably be prolonged, modernizing and expanding its nuclear deterrent capability beyond the imagination of the United States.

Pyongyang, 31 August 2012



**General Assembly  
Security Council**

Distr.: General  
5 September 2012

Original: English

**General Assembly  
Sixty-sixth session**  
Agenda items 67 and 83

**Security Council  
Sixty-seventh year**

**Elimination of racism, racial discrimination, xenophobia  
and related intolerance**

**The rule of law at the national and international levels**

**Letter dated 31 August 2012 from the Permanent Representative  
of Armenia to the United Nations addressed to the  
Secretary-General**

I have the honour to transmit herewith a statement by the Ministry of Foreign Affairs of Armenia regarding the transfer of Ramil Safarov, an Azerbaijani national who had been serving a life sentence in Hungary since 2004 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 67 and 83, and of the Security Council.

*(Signed)* **Garen Nazarian**  
Ambassador  
Permanent Representative

12-49765 (E) 060912



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**Annex to the letter dated 31 August 2012 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General**

**Statement by the Ministry of Foreign Affairs of Armenia**

On 31 August 2012, the Ministry of Public Administration and Justice of Hungary announced its authorization to transfer Ramil Sahib Safarov, an Azerbaijani national imprisoned in Hungary since 19 February 2004 and sentenced to life imprisonment for murdering Guren Margaryan, an Armenian national, to Azerbaijan. In adopting that decision, the Ministry referred to the Convention on the Transfer of Sentenced Persons.

The transfer of Ramil Sahib Safarov was executed without delay. Furthermore, the President of Azerbaijan issued a decree granting a pardon to Ramil Sahib Safarov, who already enjoys freedom in Azerbaijan.

Ramil Sahib Safarov was sentenced to life imprisonment by the courts of Hungary for committing an act of murder against Guren Margaryan, an Armenian national. Both Safarov and Margaryan had been visiting Budapest to participate in a North Atlantic Treaty Organization (NATO) Partnership for Peace language training course. While the Government of Hungary, as the host State, failed to ensure the security of the Armenian participant at an international event on its territory, its law enforcement institutions and courts acted promptly to bring the perpetrator to justice.

The Government of Hungary has been informed on numerous occasions by the authorities of Armenia about the environment of glorification and justification of the murderous act of Ramil Sahib Safarov, cultivated in Azerbaijan at the official level, including the level of the President of Azerbaijan. The Government of Hungary could not have failed to note the numerous public statements by the Azerbaijani officials at different levels to this effect, which should have been sufficient grounds for the doubt about the continuation of the enforcement of the sentence in Azerbaijan. Therefore, the Government of Hungary should have foreseen the implications of its decision to transfer Ramil Sahib Safarov, which effectively resulted in the termination of serving justice by a perpetrator of a murderous act. The Government of Hungary therefore shares moral responsibility for sponsoring a grave criminal act.

The Government of Hungary, at different levels, including the highest, consistently and up until the last moment assured the Government of Armenia that it will not take any steps whatsoever that would result in the termination of serving justice by the perpetrator of a heinous murder and explicitly excluded any option for the execution of the transfer. The manner in which the Government of Hungary has acted in respect of this matter is also cause for deep regret.

Armenia considers the above decision of the Government of Hungary as an unfriendly act, undermining the good cooperative relations between Armenia and Hungary. Today the Ministry of Foreign Affairs of Armenia notified the Ministry of Foreign Affairs of Hungary about the decision of the Government of Armenia to suspend diplomatic relations between the two States.



## Security Council

Distr.: General  
31 July 2012

Original: English

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### **Report of the Secretary-General concerning the credentials of the alternate representatives of India on the Security Council**

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 31 July 2012 from the Permanent Representative of India to the United Nations stating that Mr. Vishnu D. Sharma and Mr. Pratibha Parkar have been appointed alternate representatives of India on the Security Council.

In the opinion of the Secretary-General, this letter constitutes adequate provisional credentials.





## Security Council

Distr.: General  
5 September 2012

Original: English

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**Letter dated 4 September 2012 from the Chair of the  
Security Council Committee pursuant to resolution 1988 (2011)  
addressed to the President of the Security Council**

I have the honour to transmit herewith the first report of the Analytical Support and Sanctions Monitoring Team established pursuant to resolution 1526 (2004), in accordance with subparagraph (a) of annex I to resolution 1988 (2011).

I should be grateful if the attached report could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(Signed) Peter Wittig  
Chair

Security Council Committee pursuant to resolution 1988 (2011)



**Letter dated 30 March 2012 from the Coordinator of the  
Analytical Support and Sanctions Monitoring Team addressed  
to the Chair of the Security Council Committee established  
pursuant to resolution 1988 (2011)**

The Analytical Support and Sanctions Monitoring Team, established pursuant to Security Council resolution 1526 (2004) and mandated to support the Security Council Committee pursuant to resolution 1988 (2011), has the honour to transmit to you its first report, pursuant to subparagraph (a) of annex I to resolution 1988 (2011).

The Monitoring Team notes that the document of reference is the English original.

*(Signed)* Richard Barrett  
Coordinator

**First report of the Analytical Support and Sanctions  
Implementation Monitoring Team submitted pursuant to  
resolution 1988 (2011) concerning the Taliban and  
associated individuals and entities**

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*Summary*

The present report, the first that the Analytical Support and Sanctions Implementation Monitoring Team has written for the Security Council Committee established pursuant to resolution 1988 (2011), looks at implementation of the new sanctions regime. As Security Council resolution 1988 (2011) contains in both its preambular and operative paragraphs many references to the importance of the efforts being made by the Government of Afghanistan, and its international partners, to bring peace, stability and security to the country,<sup>a</sup> the Team looks at implementation in this light, aware that it should promote reconciliation to the extent possible and not impede it.

The report looks at the political situation in Afghanistan as at the end of March 2012 and considers the challenges to implementation of the three sanctions measures. It considers what exemptions might be needed to allow listed individuals to take part in an Afghan peace and reconciliation process. The Team believes that, although the Committee could make some adjustments to its guidelines, it is too soon to make recommendations to the Security Council for more fundamental change. The sanctions regime needs more time to prove its worth.

<sup>a</sup> As expressed in the Kabul communiqué of 20 July 2010, reaffirmed at the Istanbul Conference of 2 November 2011 and subsequently elaborated in the principles and outcomes of the Bonn Conference of 5 December 2011 (see S/2011/772).

## I. Introduction

1. On 17 June 2011, the Security Council, by resolution 1988 (2011), split the Al-Qaida and Taliban sanctions regime<sup>1</sup> in two, thereby creating a new sanctions regime directed solely against designated members of the Taliban, their supporters, and other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan (resolution 1988 (2011), para. 3).

2. The Security Council designed the new regime to support the Afghan peace and reconciliation process. It assessed that 13 years after the Al-Qaida attacks in Nairobi, Kenya, and Dar es Salaam, United Republic of Tanzania, which were planned from Afghanistan and which triggered the imposition of sanctions against the Taliban, and 10 years after the overthrow of the Taliban regime and the disruption of Al-Qaida, it was time to treat the two organizations differently. Resolution 1988 (2011) recognizes that the Taliban operate in a national context, not in a global one, and the new sanctions regime invites the close involvement of the Government of Afghanistan in making it work.

3. The Security Council also decided that the Monitoring Team should support the Committee established pursuant to resolution 1988 (2011) (*ibid.*, para. 31) and directed it to submit a report by 31 March 2012 on implementation of the sanctions measures and recommendations for improved implementation and possible new measures. The Team accordingly submits the present report.

## II. Political context

4. The United Nations Assistance Mission in Afghanistan (UNAMA) recorded a total of 22,903 security incidents in the country in 2011, an 18 per cent increase over 2010, which was itself a record year. Although the frequency of incidents decreased in the second half of the year, the number of civilian casualties during 2011 also reached a new high, at 3,021.<sup>2</sup> Against this background of violence, the Taliban made several statements about their willingness to talk to the United States of America and its international allies about ending the conflict. These overtures, painstakingly nurtured over the previous two years, have given rise to some hope that the emphasis on fighting may at last give way to talking, and that Afghanistan, after more than 30 years of war, may begin to move towards a period of peace, stability and security.

5. Since the split of the sanctions regime, the Taliban have hinted repeatedly at their readiness to engage in a political process. Their first such statement was posted — in English only — on the Taliban website on 28 July 2011.<sup>3</sup> In it they asked not to be treated as terrorists and to be given a political role; they also stated that, following a withdrawal of international military forces, “the Islamic Emirate will abide by its commitments to the stability of the region”, which was widely

<sup>1</sup> The sanctions regime established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities.

<sup>2</sup> See UNAMA annual report 2011 on protection of civilians in armed conflict (available from [http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report\\_Final\\_Feb%202012.pdf](http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf)).

<sup>3</sup> “Rethinking Afghanistan”, dated 28 July 2011.

interpreted as promising a separation from Al-Qaida. That the statement appeared only in English suggested that the Taliban movement as a whole was not yet ready for such an announcement,<sup>4</sup> and this interpretation was reinforced when, in his Eid message of 28 August 2011, Mullah Mohammed Omar (listed on the Sanctions List pursuant to resolution 1988 (2011) under permanent reference number T1.O.4.01) acknowledged contact with the United States but denied that this constituted negotiations.<sup>5</sup> On the anniversary of the 2001 attacks in the United States, the Taliban reiterated that they “had no role whatsoever” in that “event”.<sup>6</sup> The Team received reports at around the same time that a group of Taliban had assembled in the Gulf area to discuss entering negotiations with the United States.<sup>7</sup>

6. While clearly the division of the Al-Qaida and Taliban sanctions regime has encouraged the Taliban leadership, many obstacles remain before talks can begin, let alone produce results. First, although the international community supports the insistence of the Government of Afghanistan that any reconciliation process must be Afghan-owned and Afghan-led, the Taliban have so far refused to engage with the administration of President Karzai.<sup>8</sup> Second, members of the Government and many Afghan citizens are concerned that they will lose political, economic or social gains that they have achieved since 2001 should the Taliban be allowed back into government, and third, not all Taliban support peace talks, and those who do not, along with Al-Qaida and other associated groups, will do whatever they can to ensure that they do not succeed.

7. The spoilers have already been active. In August 2011, a senior Taliban leader, who had argued for reforms in the Taliban movement, was seriously wounded by unknown attackers, and had to seek protection in Kabul.<sup>9</sup> There have been a number of high-profile attacks since then, including the assassination of the Chairman of the High Peace Council, Professor Burhanuddin Rabbani, who was in charge of the reconciliation process, in September 2011.<sup>10</sup>

8. Nonetheless, by the end of November 2011 a majority view — expressed through a traditional Loya Jirga — emerged in Afghanistan that the pursuit of negotiations with the Taliban should continue, including through the opening of a “Taliban office” in Qatar. Following several denials and rejections of the Jirga’s resolutions, the Taliban announced on their website on 3 January 2012, in all

<sup>4</sup> President Karzai has repeatedly invited the Taliban to talk since May 2003, but the Taliban have refused. Their “Statement of the Islamic Emirate regarding the baseless rumors of negotiation”, dated 6 July 2011, stressed that they consider negotiation while foreign forces are present a “war stratagem of the Americans”.

<sup>5</sup> “Message of felicitation of the esteemed Amir-ul-Momineen on the occasion of Eid-ul-fitr”, dated 28 August 2011.

<sup>6</sup> “Statement of the Islamic Emirate on the tenth anniversary of 9/11”, dated 10 September 2011.

<sup>7</sup> Briefings by Afghan officials in September 2011. Mullah Zaeef (formerly listed), Mullah Mohammed Omar’s secretary Sayyid Tayyib Agha (not listed), Moslim Haqqani (T1.H.73.01), Azizirahman Abdul Ahad (T1.A.121.01), Abdul Salam Hanafi (T1.H.27.01), Sher Mohammad Abbas Stanekzai (T1.S.67.01) and Shahabuddin Delawar (T1.D.113.01) were rumoured to have taken part.

<sup>8</sup> The Taliban even rejected rumours of talks with the Government on 1 and 16 February 2012.

<sup>9</sup> He was reportedly one of five authors of an internal “manifesto” arguing for reform (briefing by UNAMA and Afghan officials to the Team, February 2012).

<sup>10</sup> Also a complex attack on the United States Embassy and International Security Assistance Force (ISAF) headquarters in Kabul, on 13 and 14 September 2011.

languages, that they would open a political office, albeit while continuing the armed struggle.<sup>11</sup>

9. Despite this announcement, the internal argument within the Taliban has continued, with dissenters claiming that any process of negotiation would undermine the sanctity of their struggle.<sup>12</sup> The two statements that the Taliban issued on consecutive days in March 2012, the first on 14 March lauding Mullah Mohammed Omar's leadership and the wisdom of his decision to engage in talks,<sup>13</sup> and the second suspending them,<sup>14</sup> albeit blaming the United States, appear to reflect these internal disagreements and suggest that the leadership will insist on immediate returns to keep the doubters happy.<sup>15</sup>

10. This lays bare a further weakness of the reconciliation process. Although there has been a good deal of talk about a mechanism to allow contact with the Taliban (an address), no side has clearly articulated what they expect the talks to achieve beyond the broad statements made in the Kabul communiqué of 20 July 2010 — and in subsequent refinements in the conclusions of the Bonn Conference of 5 December 2011 — and in Taliban demands for the withdrawal of foreign forces. This lack of clarity about the objectives of talks has raised concerns among States in the region, although all express support for some sort of political process.<sup>16</sup>

11. At the same time, Al-Qaida, already marginalized by the Arab Awakening,<sup>17</sup> has tried to reassert its influence and relevance by statements urging Mullah Mohammed Omar and the Afghan Taliban to "continue in the path of jihad".<sup>18</sup> Other groups, such as the Hizb-e Islami party under Gulbuddin Hekmatyar (listed on the

<sup>11</sup> "Statement from the Islamic Emirate of Afghanistan on the negotiations", 3 January 2012; "Statement of the Islamic Emirate regarding the ongoing situation in Afghanistan", 12 January 2012; "Formal proclamation of Islamic Emirate's victory", 15 January 2012; and "Weekly analysis: the steadfastness, chivalry, and independence of thought of the Emir of the Believers over the past two decades", 14 March 2012.

<sup>12</sup> Some dissenters such as Abdul Rauf Khadem (T.I.K.25.01) reportedly even staged walk-outs and created temporary new bases in the Afghanistan-Pakistan border area.

<sup>13</sup> "Weekly analysis: the steadfastness, chivalry, and independence of thought of the Emir of the Believers over the past two decades", 14 March 2012.

<sup>14</sup> "Declaration of the Islamic Emirate about the suspension of dialogue with Americans, office in Qatar and its political activity", 15 March 2012.

<sup>15</sup> Mullah Mohammed Omar can no longer be sure of support for whatever he does. Younger Taliban have had less direct contact with the leadership and have increased loyalty to new, more radical commanders. A recent military manual in Pashto even questioned whether it was necessary for "jihad" to have a "leader of the faithful", a title which refers to Mullah Mohammed Omar.

<sup>16</sup> Concerns were raised by neighbours of Afghanistan at meetings with the Team in November and December 2011 and in February 2012. Similar issues were also reflected in: International Crisis Group, *Talking about talks: Towards a political settlement in Afghanistan* (Kabul and Brussels, 26 March 2012, available from [www.crisisgroup.org/en/regions/asia/south-asia/afghanistan/221-talking-about-talks-toward-a-political-settlement-in-afghanistan.aspx](http://www.crisisgroup.org/en/regions/asia/south-asia/afghanistan/221-talking-about-talks-toward-a-political-settlement-in-afghanistan.aspx)).

<sup>17</sup> See the Team's report on linkages between Al-Qaida and the Taliban (S/2011/790).

<sup>18</sup> Aiman al-Zawahiri, "The battle of honors and sanctities — to our people in Afghanistan", 21 March 2012.

Al-Qaida Sanctions List as QI.H.88.03), have threatened to reject the talks unless they are included.<sup>19</sup>

12. While movement towards a reconciliation process will continue, it is unlikely to be in a linear progression. There will be steps back as well as forward and nothing will be certain before the end. Nonetheless, the only alternative to a political process is more war, which is in nobody's interest.<sup>20</sup> The Security Council has therefore decided to focus the new sanctions regime on persuading the Taliban to change their behaviour and join a political process, rather than do what it can to exclude them.

### III. Implementation of the sanctions

#### A. The challenges

13. Among all the challenges facing Afghanistan, the effective implementation of the sanctions regime pursuant to resolution 1988 (2011) is but one. The three measures imposed by the Security Council — an assets freeze, a travel ban and an arms embargo — are not easily applied in a country where less than 7 per cent of the population<sup>21</sup> has a bank account, where borders with six countries totalling over 5,000 km are criss-crossed by hundreds of un-policed roads and tracks,<sup>22</sup> and where the tradition of gun ownership is deeply embedded. Add to that a bureaucracy that severely lacks capacity and cannot operate in large areas of the country because they are too dangerous, and the prospects for implementation within the country appear dim. And then there is corruption.<sup>23</sup>

14. The other countries that are likely to be the most important partners of the Committee established pursuant to resolution 1988 (2011) in ensuring implementation of the measures are Afghanistan's immediate neighbours and countries in the Gulf, particularly the United Arab Emirates, with which the Taliban,

<sup>19</sup> In an interview with Kabul-based ITV on 17 March 2011, translated by UNAMA Evening Media Monitoring, Gulbuddin Hekmatyar raised in particular the desire to have the current parliament dissolved as a precondition for talks in addition to the familiar request for a withdrawal of all foreign troops.

<sup>20</sup> Although the Taliban and their supporters could maintain or increase the level of violence up to and beyond the scheduled withdrawal of most foreign forces by 2014, the leadership appears to fear what might happen then, and may wish to seek an agreement that the international community will guarantee.

<sup>21</sup> Approximately 1.8 million customers are served by 17 licensed banks operating with a total of just over 170 full branch offices and 570 smaller facilities in the 34 provinces. Da Afghanistan Bank, *Summary Analysis of Condition and Performance of the Banking System as of Asad 1390 August 2011*. See [www.centralbank.gov.af/pdf/MonthlyBankingSector%20ReportEngAug.2011.pdf](http://www.centralbank.gov.af/pdf/MonthlyBankingSector%20ReportEngAug.2011.pdf).

<sup>22</sup> Except for the border with China, which is impassable, the borders with the other five neighbours are policed by the Afghan Border Police with approximately 21,000 policemen as of February 2012. See [www.aco.nato.int/page265731236.aspx](http://www.aco.nato.int/page265731236.aspx).

<sup>23</sup> Transparency International scores Afghanistan at the bottom of 183 countries on its 2011 corruption index, last but for Somalia and the Democratic People's Republic of Korea. See <http://cpi.transparency.org/cpi2011>.

and Afghans more generally, have a long-standing relationship.<sup>24</sup> Some of these countries have trouble policing their borders, and all face difficulties in monitoring the financial activities of the Taliban who collect and move money in ways which do not generally come to the attention of the authorities, especially if the individuals concerned are not listed.<sup>25</sup>

15. In addition, 114 of the 131 Taliban and Taliban-associated individuals who are subject to the new sanctions regime have been subject to identical sanctions since 2001 under the Al-Qaida and Taliban sanctions regime. Though not all are still active, the sanctions have clearly had limited impact on those who are.<sup>26</sup>

## B. The opportunities

16. Nonetheless, as the emphasis in Afghanistan shifts from military activity to political activity, and coalition forces prepare to withdraw, there is a greater chance that the sanctions will make a difference. Both the Government of Afghanistan and the Taliban have set out their conditions for reconciliation. Essentially, the Government conditions — renouncing violence, breaking with Al-Qaida and accepting the constitution — are the reverse of the criteria set by the Security Council for imposing sanctions, and mirror the requirements for a listed individual to have his name removed. The Taliban conditions for peace — the withdrawal of foreign forces, the release of prisoners, and the removal of their names from the sanctions list — suggest that sanctions matter.

17. They will matter even more if implementation is effective. At present, the main concern for the Taliban is that sanctions inhibit their ability to travel, even to peace talks, prevent their participation in government, and expose them to international stigma. As they see the sanctions list as a targeting list, the sanctions regime also locks them in exile at a time when the insurgency in Afghanistan is increasingly dominated by local commanders who played no part in the rise and rule of the Taliban movement and so have less loyalty towards its early leaders.

18. Furthermore, as the instability in Afghanistan increasingly affects Pakistan, where militancy and terrorism took the lives of 2,391 soldiers and civilians in

<sup>24</sup> In the United Arab Emirates alone there are “150,000 Afghan citizens. Of this total figure over 500 affluent Afghan businessmen have invested and have a total asset of about \$4 billion in the United Arab Emirates. They also control about 60 per cent of the total Afghan trade.” See [www.afghanembassy-uae.com/en/afghanistan-uae.html](http://www.afghanembassy-uae.com/en/afghanistan-uae.html). The EastWest Institute reports that there are “53,000 Afghan workers using Pakistani passports” working in the United Arab Emirates, and notes that more than 100,000 Afghan migrant workers may work and live across the Gulf countries. See Guenter Overfeld and Michael Zumot, *Economic Development and Security for Afghanistan, Increasing Jobs and Income with the Help of the Gulf States* (New York, EastWest Institute Publications, 2010), p. 4.

<sup>25</sup> As confirmed to the Team by heads of financial intelligence units of Gulf Cooperation Council countries in March 2012.

<sup>26</sup> The only confirmed asset freeze action affecting a listed Taliban individual reported to the Team since 2001 was enacted by the Government of Afghanistan against a reconciled individual who has since been delisted. One listed Taliban individual was turned back by the Indian authorities at New Delhi airport when seeking entry for medical treatment. He has also reconciled and has now been delisted.

2011,<sup>27</sup> and Iran (Islamic Republic of), where the flow of drugs from Afghanistan is having a devastating effect, as well as some other neighbours who suffer from imported instability and criminality, the countries with the most scope to implement the sanctions may become more interested in doing so, as long as they believe them to be effective.

### C. Achieving effective implementation

19. Sanctions are not an end in themselves. They are intended to have a coercive effect, persuading their targets to desist from behaviour that threatens international peace and security, and to dissuade others from indulging in similar behaviour. The fact that the Taliban seek the removal of their names from the sanctions list even though implementation is weak to non-existent, might suggest that the level of implementation is largely incidental to the impact. This would be a false analysis. Apart from the international condemnation of the movement and its leaders signified by the sanctions regime, the Taliban dislike the measures as much for their potential as for their actual effect. If they could travel internationally without fear of being stopped, or collect, store and disburse money without fear that it might be frozen, or negotiate to acquire weapons as powerful as those used by their enemies with some hope of delivery, they would be a different and far more powerful movement.

20. The success of the Taliban in mounting an effective insurgency flows from many things beyond the poor implementation of the sanctions regime, among them bad governance, corruption, ineffective policing, drug money and tribal loyalties. But better implementation of the measures would lead to less insurgency. The question remains how much better implementation could be.

21. A second question is more important: how can the regime best be used to promote peace, stability and security in the country, rather than just to limit the capacity of the insurgency? The requirements set by resolution 1888 (2011) are clear, but the resolution also foresees the need for exemptions. Decisions on the granting of exemptions to the assets freeze measure and the travel ban are likely to have as big an impact on the promotion of a political process in Afghanistan as will the full implementation of the measures.

## IV. The List

### A. The quality of the List

22. Nine of the 50 individuals identified by the Team as comprising the core membership of the Taliban are not listed (see annex). Three of the nine are members of the Taliban ruling council (*rahbani shura*): Abdul Qayum Zakir, Hafiz Majid and Ismail Andar. On the other hand, reports of insurgent activity frequently note the involvement of 14 listed Taliban, which shows that the Sanctions List pursuant to

<sup>27</sup> While the number of security incidents and victims of violence has decreased overall by 24 per cent (in Pakistan) over the past two years, violent incidents increased in 2011 in the provinces of Khyber Pakhtunkhwa, Baluchistan and the Federally Administered Tribal Areas, which border Afghanistan. See Pak Institute for Peace Studies, *Pakistan Security Report 2011* (Islamabad, Pakistan, 2012), pp. 3-5 (available from <http://san-pips.com/download.php?f=108.pdf>).

resolution 1988 (2011) still covers a good portion of the current leadership, no doubt because its members in the Afghanistan-Pakistan border area are less vulnerable to Afghan and International Security Assistance Force (ISAF) attack than commanders in the field. The Team occasionally sees reports that mention the involvement of other listed individuals, but not all. This may suggest a need to update the List, both by removing names that are no longer relevant and by adding new ones.

23. The biggest gap on the List is the absence of Taliban (shadow) provincial governors, who frequently reside in the Afghanistan-Pakistan border area and conduct the war from relative safety. There are currently 6 — possibly 11 — listed individuals among the 42 people that the Taliban have referred to as its shadow governors in the period from June 2011 to the end of March 2012.<sup>28</sup> Given that the sanctions regime targeted provincial governors when the Taliban list was first drawn up in 2001,<sup>29</sup> it would seem logical to add the missing names, as well as those of unlisted regional, provincial and district military commanders, and other key facilitators.

24. There are 11 individuals noted on the new Sanctions List as connected with drug trafficking;<sup>30</sup> eight of these listings date back to 2001. As noted below (paras. 34 and 38), the drug trade continues to provide the Taliban movement with about 25 per cent of its income, much of it collected and spent locally. The Team recommends that the Committee urge the Government of Afghanistan and other Member States to use the sanctions regime to target the drug trade in Afghanistan, not just as a source of income for the Taliban, but also as a threat to the peace, stability and security of the country.<sup>31</sup> Individuals with assets abroad and who travel internationally, as is the case with many of those involved in the Afghan narcotics trade, are particularly vulnerable to the sanctions measures.

25. Since the creation of the sanctions regime under resolution 1988 (2011), the Team has worked with the Government of Afghanistan and UNAMA to improve the quality of the entries inherited from the previous Al-Qaida and Taliban sanctions regime. As a result, the Committee has been able to improve the entries for almost all listed Taliban and the List now contains a wealth of additional information.<sup>32</sup>

## B. The listing process

26. By resolution 1988 (2011), the Security Council encouraged all States to submit names for listing and set a high standard for the supporting information required; it also called upon submitting States to consult the Government of

<sup>28</sup> The Taliban have not announced a shadow Governor for Day Kundi. It is not clear whether five shadow governors are identical with listed individuals.

<sup>29</sup> The List included 24 of the 28 provincial governors in areas under Taliban control.

<sup>30</sup> They are: Shams ur-Rahman Abdurahman (TI.U.8.01), Akhtar Mohammad Mansour Shah Mohammed (TI.M.11.01), Abdul Razaq Ekhtiyar Mohammad (TI.A.17.01), Abdul Salam Hanafi Ali Mardan Qul (TI.H.27.01), Abdul Razaq Akhund Lala Akhund (TI.A.53.01), Sayyed Ghiassouddine Agha (TI.A.72.01), Zia-ur-Rahman Madani (TI.M.102.01), Abdul Ghafar Qurishi Abdul Ghani (TI.Q.130.01), Agha Jan Alizai (TI.A.148.10), Saleh Mohammad Kakar Akhtar Muhammad (TI.K.149.10) and Mohammad Aman Akhund (TI.A.158.12).

<sup>31</sup> Such action would be in line with Security Council resolution 1988 (2011), para. 5.

<sup>32</sup> Since June 2011 the Committee has agreed amendments to the entries for 120 individuals as proposed by the Team, reducing to 16 the number of individuals lacking sufficient identifiers to ensure effective implementation of the measures imposed upon them.

Afghanistan (para. 16). There are obvious advantages if they do so, not least in ensuring that the listing submission will contain as much information as possible, including identifiers. But there are also other issues that make such consultation advisable, one being the possibility that the individual concerned might be in discussion with the Government about giving up the very behaviour that has attracted the attention of the submitting State.

27. The Government of Afghanistan has proposed to the Team that prior consultation be made mandatory for submitting States, and the Team agrees that this idea has some merit, though not to the extent that the Government should have a veto over listing submissions; the decision on listing must remain with the Committee. The Team recommends therefore that, where a submitting State has not consulted the Government of Afghanistan, the Committee should encourage it to do so, or, if the State wishes to remain anonymous, ask if it has any objection to the Committee approaching the Government on the proposal before it considers the request.

28. In such cases, the Team recommends that the Committee amend its guidelines to extend the period for its consideration of the submission to 15 working days to allow the Government of Afghanistan time to respond.

### **C. The delisting process**

29. As with listing submissions, the Security Council in resolution 1988 (2011) called upon States to coordinate their delisting requests, as appropriate, with the Government of Afghanistan (para. 19). Afghan officials have suggested that the Committee extend the period for consideration from 10 to 15 working days in these cases as well. This would allow the Afghan authorities more time to study the request thoroughly and come to a consensus opinion. The Team recommends that the Committee agree.

30. The Committee is likely to give considerable deference to delisting submissions made by the Government of Afghanistan in the context of the reconciliation process. This after all reflects the main purpose of the sanctions regime, which is to persuade listed individuals to change their behaviour. Afghan officials would like as much authority as possible in these cases; they argue that the greater their control of the delisting process, the more momentum and impact they will be able to give to the reconciliation process. While this argument is a good one, the decision on delisting has to remain with the Committee. The Committee has clear criteria for delisting and, if there is contradictory evidence, there are mechanisms in place in Kabul to resolve the issue, or the Afghan authorities can ask to appear before the Committee to explain their views.

31. However, the Team does recommend that where the Government of Afghanistan has put forward a delisting request, or endorsed a request from another Member State, but the Committee does not agree, so long as no member of the Committee has blocked the request, the Committee could approach the Government for further clarification and extend the period of consideration by 15 days to allow the Government to comment on the points in dispute. The Committee could also contact UNAMA to seek additional information regarding the delisting request.

32. The Security Council by resolution 1988 (2011) also requested all Member States, but particularly the Government of Afghanistan, to inform the Committee if they become aware of any information indicating that an individual, group, undertaking or entity that has been delisted should be considered for re-designation, and requested that the Government provide a report on the status of reportedly reconciled individuals who have been delisted in the previous year (para. 22). This is an important reminder that delisting is not an irreversible process. Nor should it be used as an incentive in advance of reconciliation. The Committee has made clear that delisting will be granted only in recognition that the individual concerned no longer meets the criteria for listing.

#### **D. Translation of the List**

33. Many officials in Afghanistan whose responsibilities include implementation of the sanctions measures do not read or understand English. To improve the likelihood of their taking action, the Team recommends that the Committee translate the sanctions list into Dari and Pashto, with the help of UNAMA, and encourage the Government of Afghanistan to distribute it widely. The Committee could also post the translations on its website as informal documents.<sup>33</sup>

### **V. The assets freeze**

#### **A. How does the Taliban get money?**

34. The Team estimates that Taliban income for the year 21 March 2011 to 20 March 2012 (the Afghan calendar year) was around \$400 million.<sup>34</sup> About \$275 million of that reached the Taliban leadership for their disbursement while around \$125 million was collected, spent or misappropriated at the local level. ISAF estimates the annual cost to the Taliban of mounting attacks during 2011 at between \$100 million and \$155 million;<sup>35</sup> the rest of the money goes to maintaining the insurgency. Since 2006 the Taliban have managed to finance an ever-increasing number of attacks, reflecting a year-on-year increase in income.

35. At the risk of over-simplification, the Team understands Taliban funding as follows: revenue raised from taxing the local economy serves primarily to support local operations and is only in a few cases channelled upwards. Revenue extorted from nation-wide enterprises such as narcotics producers and traffickers, construction and trucking companies, mobile telephone operators, mining companies and aid and development projects goes to the Taliban Financial Commission which answers to the Taliban leadership. Donations, which constitute a major source of funding, also go to the Taliban leadership.

<sup>33</sup> The Committee might also post translations of its guidelines and information about the Focal Point.

<sup>34</sup> Based on the Team's discussions with Afghan officials and on information from captured or surrendered senior Taliban finance administrators.

<sup>35</sup> The Team was informed that these figures are based on a Taliban allotment of \$50,000 to \$200,000 for each district commander.

## 1. Local taxation

36. Where they can, the Taliban raise two forms of traditional taxation, namely, *ushr*, a 10 per cent tax on harvest, and *zakat*, a 2.5 per cent tax on wealth. As the main economic activity in areas under Taliban control is farming, much of it poppy cultivation, *ushr* is the main source of their income; but the Taliban will also tax services, such as water or electricity, although they have no influence over their supply. They will also take payments for dispensing justice, though not generally bribes, and levy fines. In some areas they collect a 10 per cent tax from local shopkeepers and other small businesses. In other words, at the local level, the Taliban act in a way familiar to most administrations.

## 2. Drugs

37. According to the United Nations Office on Drugs and Crime, the Taliban raised around \$155 million in 2009 from the poppy trade.<sup>36</sup> This included taxing opium farmers, taxing and protecting drug convoys, and taxing heroin laboratory owners.<sup>37</sup> The Taliban also receive large ad hoc donations from major traders in the narcotics business.<sup>38</sup> Some syndicates, such as one headed by Hajji Fatah Ishaqzay based in Helmand Province, pay both in cash and in kind, and their members have close relatives serving within the Taliban.<sup>39</sup> The syndicate provides most of its support through Akhtar Mohammad Mansour Shah Mohammed (T.I.M.11.01) and Agha Jan Alizai (T.I.A.148.10).<sup>40</sup>

38. However, the general notion that the poppy economy in Afghanistan is the main pillar of Taliban funding merits examination. While it provides enough to finance much of the insurgency in the main poppy growing provinces of Helmand, Kandahar and Uruzgan, the amount of money raised from the drug trade is insufficient to meet the cost of insurgent activity elsewhere. Afghan officials estimate the Taliban income from the poppy economy for 2011/12 at around \$100 million;<sup>41</sup> this compares with an estimated annual total value of the drug crop between \$3.6 billion and \$4 billion.<sup>42</sup> The Taliban share, while sizeable in absolute terms, is not particularly large in percentage terms. This suggests that the Taliban do not make great efforts to exploit this potential source of revenue.

<sup>36</sup> United Nations Office on Drugs and Crime, *The Global Afghan Opium Trade: A Threat Assessment* (Vienna, July 2011), p. 5 (available from [www.unodc.org/documents/data-and-analysis/Studies/Global\\_Afghan\\_Opium\\_Trade\\_2011-web.pdf](http://www.unodc.org/documents/data-and-analysis/Studies/Global_Afghan_Opium_Trade_2011-web.pdf)).

<sup>37</sup> *Ibid.*, p. 30.

<sup>38</sup> Such as the network of Hajji Juma Khan from Nimroz Province who is in custody in the United States.

<sup>39</sup> In addition, a hospital run by this syndicate offers free treatment to Taliban fighters.

<sup>40</sup> Other noteworthy narcotics traffickers in Helmand reportedly supporting the Taliban include Hajji Azizullah Alizai from Musa Qala and Hajji Adam Khan Popalzay from Nawa-yi Barakzay.

<sup>41</sup> Briefing by Afghan officials, March 2012.

<sup>42</sup> The Team has estimated these figures based on information provided by the United Nations Office on Drugs and Crime in its reports *Afghanistan Opium Survey 2011 Summary Findings* (Vienna, October 2011) (available from [http://www.unodc.org/documents/crop-monitoring/Afghanistan/Executive\\_Summary\\_2011\\_web.pdf](http://www.unodc.org/documents/crop-monitoring/Afghanistan/Executive_Summary_2011_web.pdf)) and *The Global Afghan Opium Trade: A Threat Assessment* (Vienna, July 2011) (available from [http://www.unodc.org/documents/data-and-analysis/Studies/Global\\_Afghan\\_Opium\\_Trade\\_2011-web.pdf](http://www.unodc.org/documents/data-and-analysis/Studies/Global_Afghan_Opium_Trade_2011-web.pdf)), assuming that drug traffickers would take in 2011/12, on top of farm gate prices, at least as much as they took in 2009.

### 3. Other sources of income

39. Beyond local taxation and the narcotics trade, the Taliban have developed other ways to raise money. One lucrative source has been the foreign funding of development projects. Estimates of Taliban income from contracts funded by the United States and other overseas donors range from 10 to 20 per cent of the total, usually by the Taliban agreeing protection money with the contractor or demanding a cut.<sup>43</sup> The supply needs of the large numbers of international military forces in Afghanistan have created a market for transportation which the Taliban have also been able to exploit. For example, the ISAF Afghan Threat Finance Cell, an ISAF task force charged with looking at Taliban funding, estimated that the Taliban had taken \$360 million from a \$2.16 billion contract awarded to an Afghan trucking company by the United States military over a period of three years.<sup>44</sup>

40. Although representing a fraction of the \$31 billion worth of active United States contracts reviewed by the Task Force, this example shows how the Taliban are able to raise money from an Afghan economy distorted by and unable to absorb the huge amounts of money that have flowed into the country since 2001<sup>45</sup>. In Farah Province, local officials report that the Taliban take up to 40 per cent of the money coming in to pay for the National Solidarity Programme, one of the most successful community reconstruction projects in Afghanistan. Organizations involved in providing development assistance regard these overheads as a cost of doing business. They would argue that, even if the insurgency benefits financially in the short term, the longer-term impact is towards peace and stability.

## B. The movement of money

### 1. *Hawala*<sup>46</sup>

41. Afghans have been moving money through *hawala* since the eighth century and the system is well established and well used in all parts of the country, whatever the security situation. Its low cost,<sup>47</sup> speed, convenience and accessibility are all factors that ensure that *hawala* will continue to be popular, even in urban areas where there are banks.<sup>48</sup> Although the volume of transactions that passes through the *hawala* system in Afghanistan is colossal, the Government did not begin registering *hawaladars* until 2007. By March 2012, the Financial Transactions and Report Analysis Centre of Afghanistan had registered and licensed over

<sup>43</sup> Briefing by ISAF officials, March 2012.

<sup>44</sup> In July 2011, the Team was informed that in one case the trucking company paid \$7.4 million through the accounts of subcontractors to an Afghan police official who then gave \$3.3 million, withdrawn in 27 transactions, to the Taliban in cash and — in one case — in weapons.

<sup>45</sup> See [www.globalpost.com/dispatch/taliban/funding-the-taliban?page=full](http://www.globalpost.com/dispatch/taliban/funding-the-taliban?page=full).

<sup>46</sup> In Arabic, *hawala* simply means "transfer". The term, as widely used, refers to money transfer mechanisms that exist in the absence of, or parallel to, conventional banking channels.

<sup>47</sup> According to Afghan officials in March 2012, the average cost of a transfer through the formal banking sector was \$15 or 2 per cent of the total value, while through the *hawala* system the cost of transferring \$100,000 was between \$10 and \$15.

<sup>48</sup> The World Bank estimates that between 80 and 90 per cent of the economic activity in Afghanistan occurs in the informal sector; see World Bank, *Afghanistan: State Building, Sustaining Growth and Reducing Poverty*, p. 6 (Washington, D.C., February 2005) (available from [http://siteresources.worldbank.org/INTAFGHANISTAN/Resources/0821360957\\_Afghanistan--State\\_Building.pdf](http://siteresources.worldbank.org/INTAFGHANISTAN/Resources/0821360957_Afghanistan--State_Building.pdf)).

700 *hawaladars* that among them account for about 40 per cent of the total volume of business. Moving beyond this number to include smaller, part-time operators, particularly in provinces where the Government writ is weak, will be hard.

42. However, most Afghan *hawaladars* connect to the rest of the world through counterparts in major trading cities like Abu Dhabi, Doha, Dubai, Karachi, Muscat, New Delhi, Riyadh and Tehran,<sup>49</sup> and therefore provide an opportunity for the authorities in those States to ensure that transactions in favour of listed parties are frozen. The Team has begun to discuss possible ways forward with the States concerned.

43. Research has shown that in rural areas, where there is little use for hard cash, much economic dealing is done in opium and other commodities of value.<sup>50</sup> The Taliban maintain opium warehouses across Afghanistan's southern poppy heartland where Taliban commanders can deposit and later withdraw quantities of the drug as if using an automated teller machine. They also acquire resources in the form of other local commodities, such as motorcycles, sport utility vehicles or pickup trucks, satellite and mobile telephones, top-up cards with talk time credit, weapons, ammunition, petrol, food, shelter and even medical care for wounded fighters.

## 2. Cash couriers

44. Cash movement in and out of Afghanistan is subject to few restrictions. Approximately \$4.6 billion in cash was taken abroad through Kabul airport in 2011,<sup>51</sup> and the total amount of cash both leaving and entering the country each year is likely to be considerably higher, as, despite a legal requirement on travellers to declare any amount over 1 million afghanis (approximately \$20,000), enforcement is limited to persons departing from Kabul airport and does not apply to people entering the country there or entering or exiting Afghanistan at any other official border crossing point.<sup>52</sup>

## C. Improving implementation and impact

### 1. Listed financiers

45. The sanctions currently target 15 individuals associated with Taliban financial affairs. They include financial advisers, finance officers, members of the Financial Commission, fundraisers, financiers and members of the Taliban committee that collects *zakat* (see annex). However, the sanctions themselves do not appear yet to have disrupted the financial arrangements of the Taliban; more obvious success was

<sup>49</sup> Samuel Munzela Maimbo, *The Money Exchange Dealers of Kabul: A study of the Hawala system in Afghanistan* (World Bank, 2003).

<sup>50</sup> Gretchen Peters, *How Opium Profits the Taliban* (United States Institute of Peace, August 2009), p. 19 (available from [www.usip.org/files/resources/taliban\\_opium\\_1.pdf](http://www.usip.org/files/resources/taliban_opium_1.pdf)).

<sup>51</sup> Briefing by Afghan officials from the Financial Transactions and Report Analysis Centre, March 2012.

<sup>52</sup> International Monetary Fund, *Afghanistan Detailed Assessment Report on Anti-Money Laundering and Combating the Financing of Terrorism*, IMF Country Report No. 11/317, November 2011 (Washington, D.C., 2011) (available from [www.imf.org/external/pubs/ft/cr/2011/cr11317.pdf](http://www.imf.org/external/pubs/ft/cr/2011/cr11317.pdf)). The costs associated with such a cash transfer are around \$500 for the roundtrip airfare to Dubai and a small per diem for the courier; with 2 per cent added, they are competitive with international transfer fees levied by Afghan banks.

scored against key financial facilitators in August and September 2011 by their removal from the field.

46. The impact of the assets freeze on financiers can be actual and direct. For example, when the Committee established pursuant to resolution 1988 (2011) listed two individuals with significant wealth outside Afghanistan, Faizullah Khan Noorzai (T.I.M.153.11) and Malik Noorzai (T.I.N.154.11), in October 2011, after initial public protest, they started to discuss their activities with the Government of Afghanistan to win support for a delisting request.<sup>53</sup>

47. As the example of the Noorzai brothers shows, the assets freeze can bring about a change of behaviour and so have a real impact; but it could be far more effective. It is not so easy to collect and disburse \$400 million a year from sources in several countries without having any contact with a regulated financial institution or coming to the attention of State authorities. A more determined effort by Member States to identify Taliban money, even if it is not under the control of any listed individual, would allow the Committee to target the assets freeze measure more precisely. However, this would require a greater commitment to action than is evident at present.

48. One of the fastest growing sources of revenue for the Taliban has been taxing the international effort to support the Government of Afghanistan. There should be greater levels of accountability, in particular on the contracting carried out by the international military. While the Afghan Threat Finance Cell has had some success in identifying and disrupting these sources of insurgent and terrorist funding, it investigates only contracts awarded by the United States. Although this accounts for a major part of the inward investment in Afghanistan, much more could be achieved if other countries, both inside and outside ISAF, would take similar measures.

## 2. Exemptions

49. The sanctions regime does not ban individuals from engaging in a political process. In previous Afghan elections, listed individuals have stood, and in some cases have been elected. While this was perhaps not advertised widely, the trouble started once they assumed office and found that they were denied access to financial resources and ridiculed by their former colleagues who had not yet reconciled.

50. If, for any reason, the strict application of the assets freeze is thought to hinder the reconciliation programme, the Committee can authorize exemptions through the procedures set out in Security Council resolution 1452 (2002), as modified by resolution 1735 (2006). However, any decision to relax the measures must be made by the Committee established pursuant to resolution 1988 (2011) or by the Security Council; it cannot be made by an individual State.

51. Afghan officials have suggested that the Government of Afghanistan should have the discretion to notify the Committee of its intention to grant an exemption for basic expenses to reconciled individuals without waiting for the Committee to confirm that it has no objection, as it must at present. The Afghan Peace and Reintegration Programme foresees the High Peace Council providing reconciled Taliban a stipend, at least for three months, to facilitate their reintegration into society, and the Team recommends that the Committee consider granting the Government scope to obtain an exemption from the sanctions regime in these cases

<sup>53</sup> The Team interviewed the petitioners in November 2011.

under paragraph 1 (a) of resolution 1452 (2002), provided the Committee has received notification and all appropriate documentation in advance.

## VI. The travel ban

52. The travel ban is largely unenforceable between Afghanistan and bordering countries, particularly Pakistan, and this is unlikely to change as the problems of implementation are just too great. However, it should be easier to ensure that listed individuals do not travel beyond the immediate neighbourhood, for example to the Gulf States.<sup>54</sup> While this is precisely the intention of the travel ban, it could also impede efforts intended to support Afghan peace and reconciliation — which are central to Security Council resolution 1988 (2011), for example by preventing the direct participation of any listed person in an Afghan peace process taking place outside Afghanistan.

53. In resolution 1988 (2011) the Council foresees this difficulty and provides a solution. It instructs States to prevent the entry into or transit through their territories of listed individuals except where their nationals are concerned, or for the fulfilment of a judicial process, or with the Committee's agreement, including where this travel directly relates to supporting efforts by the Government of Afghanistan to promote reconciliation (para. 1 (b)). In this respect the resolution is consistent with the other 10 Security Council sanctions regimes that have a travel ban measure and a similar basis for granting exemptions.

54. In addition, the Committee established pursuant to resolution 1988 (2011) has drafted guidelines that set out the procedures for applying for an exemption.<sup>55</sup> These identify the States that may apply on behalf of the individual as the designating State, the State of transit, the State of nationality, and the State of residence. The guidelines call for the submission of a detailed itinerary and timetable, an explanation of the purpose of and justification for the proposed travel, with copies of supporting documents, including specific details of meetings or appointments, together with an explanation of how costs will be met without transgressing the assets freeze. The guidelines also remind States that the other sanctions will continue to apply and explain that the details of the exemption will appear on the Committee website.

### Exemptions related to reconciliation

55. If plans to allow the Taliban an "address" in Qatar or elsewhere come to fruition, the procedures for granting an exemption to the travel ban in support of Afghan peace and reconciliation will be tested. Unless the talks include listed individuals, they are unlikely to be held at a sufficiently senior level. In any case, their course will be unpredictable and require flexibility. Taliban representatives may have to stay in Qatar or elsewhere for long periods, and perhaps extend their stay beyond the time frame foreseen in the exemption request. Within the period

<sup>54</sup> India refused entry to a listed individual in 2009, and stopped another individual in 2011 who appeared identical with a listed person.

<sup>55</sup> Guidelines of the Committee for the conduct of its work (available from [www.un.org/sc/committees/1988/pdf/1988\\_committee\\_guidelines.pdf](http://www.un.org/sc/committees/1988/pdf/1988_committee_guidelines.pdf)), para.13.

granted, they may have to travel at short notice for consultations. There should also be a way to keep the talks and their participants confidential.

56. As has been the practice when evaluating delisting submissions, it will be important for the Committee to work closely with the Afghan authorities, and in particular the High Peace Council, which plays a central role in the Afghan peace and reconciliation process, to verify whether the travel of a listed individual would be likely to advance Afghan reconciliation efforts. This is consistent with the resolution's focus on supporting an Afghan-led peace process.

### **Recommendations**

57. While recognizing that the Committee will always act on a case-by-case basis, the Team offers the following proposals:

(a) The Security Council could adopt a procedure similar to the one it agreed for exemptions to the travel ban under its resolution 1970 (2011) concerning Libya, which allowed any Member State to determine "on a case-by-case basis that such entry or transit is required to advance peace and stability in [the Libyan Arab Jamahiriya] and the State subsequently notifies the Committee within 48 hours of making such a determination". In the case of the sanctions regime under resolution 1988 (2011), the Security Council could restrict this authority to the Government of Afghanistan;

(b) To ensure that any non-humanitarian travel was in line with the objectives of resolution 1988 (2011) to promote peace, stability and security in Afghanistan, the Committee could allow the Government of Afghanistan (three) working days to comment on any submission for a travel ban exemption made by another State (unless a member of the Committee) on the grounds that it would support efforts to promote Afghan reconciliation;

(c) The Committee could agree to allow variations to a travel exemption it had already granted so long as the Government of Afghanistan provided immediate notification, and so long as the expiry date and points of destination remained the same;

(d) Alternatively, the Committee could revise its guidelines to allow it to consider a variation to an exemption, both to its duration and concerning additional travel, on confirmation from the Government of Afghanistan that it was justified in the context of reconciliation;

(e) The Committee could shorten its decision-making process for granting a variation to an exemption to a 48-hour no-objection procedure;<sup>56</sup>

(f) The Committee could delegate to its Chair authority for allowing an immediate exemption to the travel ban in exceptional circumstances when the Government of Afghanistan presented a clear rationale that it would be against the interests of the reconciliation process to wait for the Committee's decision. If he agreed to the request, the Chair would then immediately inform the other members of the Committee, submitting all relevant papers received from the Government;

<sup>56</sup> The Committee allows its members five working days to reach a decision on travel ban exemptions.

(g) Alternatively, the Committee could grant a travel exemption in support of the Afghan reconciliation programme for a set period for specified individual(s) whom it had approved in advance, without requiring precise details of the dates of their travel (or destinations) within that period. In such cases, the Government should inform the Committee of the details within 48 hours of their becoming known;

(h) The Committee could allow, on a case-by-case basis, the long-term or indefinite relocation of a listed individual to a country other than his State of nationality where this was justified as being in support of efforts to promote Afghan reconciliation, and so long as the requesting State could confirm that the State of destination was in agreement. The Committee could task the Team to work with the State of destination, subject to its prior agreement, to monitor the activities of the listed individual and make periodic reports to the Committee if the projected duration of stay was beyond (one month);<sup>57</sup>

(i) The Committee could request the Government of Afghanistan to report at set intervals that a long-term travel ban exemption continued to serve the interests of reconciliation;

(j) The Committee could allow the Government to request that an exemption be revoked if it no longer supported efforts to promote reconciliation;

(k) The Committee could, on the request of the submitting State or the Government of Afghanistan, agree that it would inform only the States concerned when granting an exemption, to help to ensure the safety of the listed individual and the confidentiality of the talks.

58. The travel ban will become more effective as further identifiers are added to the entries on the List and through the timely availability of INTERPOL-United Nations Security Council Special Notices. The Team recommends that the Committee ensure that details are provided to INTERPOL as soon as possible after the listing of a new name, its deletion from the List or an update to an existing entry.<sup>58</sup>

## VII. The arms embargo

59. All the officials and experts that the Team talks to in Afghanistan, whether Afghan or foreign, agree that the Taliban and other armed groups procure most of their weapons inside the country, including mortars, recoilless rifles, and heavy machine guns. Much of this equipment has been there for a long time, although the Taliban also acquire newer weapons through contacts in the Afghan National Security Forces and their affiliates. The exceptions are 107-mm and other artillery rockets, which tend to be imported. In addition, improvised explosive devices, which have become increasingly common since 2008, rely on materials which cannot be found locally (anti-tank and anti-personnel mines, detonator cord, switches, blasting caps, remote detonators, and ammonium nitrate-based fertilizer). Most of this comes from across the porous Pakistan border.

<sup>57</sup> The Committee has already granted a travel ban exemption (on humanitarian grounds) for a period of three months.

<sup>58</sup> At the end of March 2012, INTERPOL-United Nations Security Council Special Notices existed for 85 of the 131 names on the List.

## A. Arms procured inside Afghanistan

60. Although traditional unwritten laws regulated the ownership of firearms and explosives throughout much of the twentieth century, there are now at least 2 million weapons in Afghanistan.<sup>59</sup> Even on completion of the programme to disarm, demobilize and reintegrate Afghan militia forces in 2006, more than 1,800 illegal armed groups remained active in the country.<sup>60</sup> Over the next four years, under the Disbandment of Illegal Armed Groups initiative, the Government of Afghanistan collected 52,712 operational and about 56,000 non-operational firearms in voluntary handovers, confiscated 12,620 other weapons and destroyed about 14,000. This represented less than a third of the estimated arsenal of the illegal armed groups.

61. Despite this effort, new weapons seeped into the market at an alarming rate, many from the Afghan National Army and police. Uncoordinated donor contributions of weapons reportedly led to the loss of several tens of thousands of small arms, and the attempt to convert illegal armed groups into local police auxiliaries led to the distribution of yet more weapons, none of them recorded in a central registry. Ammunition found on dead Taliban is frequently identical with the ammunition provided by donors to the Afghan National Security Forces. In addition, private security companies employ something close to 45,000 armed men. The Taliban acquire weapons from all these sources.

## B. Arms procured outside Afghanistan

62. The Team has received credible reports that the Taliban have acquired imported SA-7 man-portable air defence systems, but the numbers are likely to be very small. This sort of weapon is in any case often acquired for the status that ownership confers rather than to use in combat. The Team has also heard that the Taliban have acquired 107-mm and 122-mm rockets from cross-border networks operating in Pakistan and Iran (Islamic Republic of). Successful attacks on coalition helicopters have become more frequent and suggest a growing Taliban capability to use rocket-propelled grenades in coordinated salvos to hit and down rotary

<sup>59</sup> Estimates range from 10 million (<http://policy-practice.oxfam.org.uk/publications/the-call-for-tough-arms-controls-voices-from-afghanistan-114616>) in 2000, to 1.5 million in 2003 ([www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2003/en/Small-Arms-Survey-2003-Chapter-02-summary-EN.pdf](http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2003/en/Small-Arms-Survey-2003-Chapter-02-summary-EN.pdf)). Since then the Afghan National Security Forces have added approximately 500,000 assault rifles to their arsenal to equip new recruits. Over 36,000 small arms were donated by NATO member States between 2006 and 2012. The United States procured over 242,000 weapons between 2004 and 2008 according to the United States Government Accountability Office, *Afghanistan Security: Lack of Systematic Tracking Raises Significant Accountability Concerns about Weapons Provided to Afghan National Security Forces* (GAO-09-27), January 2009 (available from [www.gao.gov/new.items/d09267.pdf](http://www.gao.gov/new.items/d09267.pdf)). In 2009 the Afghan National Army was equipped with M-16 style assault rifles, previously not available in Afghanistan. A troop strength of 184,437 as of January 2012 leads the Team to assess that around 200,000 additional assault rifles were acquired. See [www.aco.nato.int/page265721841.aspx](http://www.aco.nato.int/page265721841.aspx).

<sup>60</sup> In the report of the Secretary-General on children and armed conflict in Afghanistan (S/2008/695), para. 15, reference is made to 1,800 illegal armed groups estimated to possess approximately 336,000 weapons.

aircraft.<sup>61</sup> The imported pistols that the Taliban use in their assassination campaign come either from sources in the Afghan National Security Forces or from across the border.

### C. Training

63. The availability of weapons to every Afghan male from a young age means that a basic knowledge of their use is almost universal. Training has more relevance in terms of indoctrination and in the acquisition of special skills such as assassination, hostage taking, sniping, the use of heavy weapons, the manufacture and deployment of improvised explosive devices,<sup>62</sup> suicide attacks,<sup>63</sup> and communications.

64. The Taliban have often looked to outsiders, sometimes affiliated with Al-Qaida, to provide training, but in 2011 the Haqqani network printed a training manual in Pashto for its fighters, which suggested a move towards greater self-sufficiency.<sup>64</sup> Haqqani training camps are reported in the Afghanistan-Pakistan border area staffed both by Taliban trainers loyal to the Haqqani network and by foreign fighters, some associated with Al-Qaida.

### D. Opportunities to enhance the arms embargo

65. The difficulties of preventing the export of fertilizer or other material for improvised explosive devices from Pakistan to Afghanistan are well known. The border is largely unpoliced and, in addition to the two principal crossing points,<sup>65</sup> there are some 360 other roads that lead from one side to the other. In several places, villages are half in Afghanistan and half in Pakistan. Despite Pakistan deploying over 120,000 troops along the 2,600-km common border, and establishing over 1,000 outposts,<sup>66</sup> and there being some 55,000 Afghan Border Police and regular police on the other side,<sup>67</sup> backed up by Afghan National Army and ISAF units, the smuggling of all goods, not just material for explosives, remains relatively unimpeded. However, the Government of Pakistan could follow the lead of the Government of Afghanistan in banning the import and manufacture of ammonium

<sup>61</sup> For example, the downing of a Chinook helicopter on 7 August 2011 was achieved by a rocket-propelled grenade. See <http://cryptome.org/0005/ch47-wardak.pdf>.

<sup>62</sup> According to the Department of Safety and Security of the United Nations Secretariat, in 2010, 39 per cent of all attacks by insurgents were by improvised explosive devices compared to 37 per cent which were armed clashes. Improvised explosive devices were responsible for almost one third of civilian deaths in 2011. See [http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report\\_Final\\_Feb%202012.pdf](http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf).

<sup>63</sup> The number of suicide attacks has stayed constant since 2008 at around 10 per month. There were 431 civilian deaths from suicide attacks in 2011 as reported by the UNAMA Human Rights Unit in the annual report on protection of civilians in armed conflict 2011 (available from [http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report\\_Final\\_Feb%202012.pdf](http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf)), p. 3. In December 2011 and January 2012, suicide attacks killed 124 civilians (32 per cent of the total civilian casualties) (see A/66/728-S/2012/133, paras. 12 and 30).

<sup>64</sup> The manual was translated from Arabic with the title *Nizami darsuna*, meaning military lessons. At Torkham and Chaman where 30,000 to 40,000 people cross daily.

<sup>65</sup> Statement by the Deputy Permanent Representative of Pakistan to the Security Council, 20 March 2012.

<sup>67</sup> Briefing by Afghan officials, November 2011.

nitrate-based fertilizer in the whole country, not just in certain areas.<sup>68</sup> This would curtail the use of at least one common ingredient in improvised explosive devices.

66. The registration of weapons and, in particular, ammunition inside Afghanistan has begun, and the increasing regulation of private security companies by the Government of Afghanistan also addresses an obvious gap in the management of firearms. However, supervision mechanisms in the government-controlled sector could be enhanced by regular audits of ISAF and Security Forces arsenals. The withdrawal of foreign forces from the country could create a further problem if they lack the resources to take away all the weapons, ammunition and other military equipment that they have imported. The international community can and should increase its assistance to the Government of Afghanistan to improve current supervision mechanisms, and plan for the future.<sup>69</sup>

## VIII. Conclusion

67. The number of times that Member States have applied any of the three sanctions measures against individuals listed under the sanctions regime established by resolution 1988 (2011) is very low. Given that there is no great need for international travel in conducting the insurgency, and that the region offers plenty of alternatives to the formal banking system, this is perhaps not surprising. Nonetheless, the Team believes that the sanctions have had an important deterrent effect on listed individuals who may have wished to travel or use formal banking services.

68. While the Security Council and the Committee could take some steps to improve implementation of the sanctions regime, as suggested above, its major value so far has been as a political tool. The Taliban pay considerable attention to the sanctions regime, disliking it for the stigma it implies as well as for the practical consequence of excluding listed leaders from non-violent political activity at the national level. The Taliban particularly objected to being coupled with Al-Qaida under the Al-Qaida and Taliban sanctions regime, and thus being regarded as terrorists. The Security Council has not made the Committee established pursuant to resolution 1988 (2011) one of its counter-terrorism Committees, and in resolution 1988 (2011) laid out very clearly what change of behaviour is expected from listed individuals to remove their names from the List. The Taliban will have taken note of this. Indeed, it was not long after the split of the sanctions regime that the Taliban made public their decision to enter talks.

69. There will be many upsets before Afghanistan is firmly on the road towards peace, stability and security; but the Team has no doubt that the sanctions regime can help to clear the way. The sanctions regime forms part of the dialogue between the international community and the Taliban, and it will need to be dynamic and responsive to ensure that the international community signals its recognition of progress and its continued condemnation of violence.

<sup>68</sup> The Government of Pakistan banned ammonium nitrate-based fertilizer in November 2009, but only in Upper Dir, Lower Dir, Swat, Chitral and Malakand districts of Khyber Pakhtunkhwa Province. The Government of Afghanistan introduced a countrywide ban in January 2010.

<sup>69</sup> Currently the United Nations Mine Action Centre, the United Nations Office on Drugs and Crime and the United Nations Development Programme have relevant programmes.

## Annex

### Overview of the Taliban leadership

1. This overview of the Taliban leadership as at 30 March 2012 is drawn from information on the Sanctions List pursuant to resolution 1988 (2011), the corresponding narrative summaries, and briefings received by the Team. The Taliban command structure is highly decentralized and lacks coherence, with individuals having overlapping responsibilities both vertically and horizontally. The overview is therefore as much a reflection of activity as an order of battle, and is subject to the frequent changes on the ground.

2. The Team identifies 50 individuals as holding positions in the leadership council or the various specialized commissions. This group, along with the corps of "shadow Governors" and other senior Taliban comprise the "Supreme Council", reportedly up to 200 members strong. While assignments have varied over the years, the pool of Taliban leaders playing a decisive role within the "Supreme Council" has remained fairly stable.

3. The "shadow Governors" direct operations in their respective provinces. The Team has noted more than one person reported as holding the position of "shadow Governor" in eight provinces since September 2010, indicating a high degree of mobility at this level.

#### Leadership

|                         |                            |
|-------------------------|----------------------------|
| Amir ul-Mu'minin        | Mohammed Omar (T.L.O.4.01) |
| Special Envoy/Assistant | Sayyid Tayyib Agha         |

#### Leadership Council

|                                       |                                                         |
|---------------------------------------|---------------------------------------------------------|
| Deputy Amir ul-Mu'minin               | Akhtar Mohammad Mansour s/o Shah Mohammed (T.L.M.11.01) |
| Deputy Chairman of Leadership Council | Abdul Qayum Zakir                                       |
| Leadership Council member             | Mohammad Hassan Akhund aka Barbar (T.L.H.2.01)          |
| Leadership Council member             | Abdul Kabir s/o Mohammad Jan (T.L.A.3.01)               |
| Leadership Council member             | Abdul Jalil Haqqani (T.L.H.34.01)                       |
| Leadership Council member             | Mohammad Hasan Rahmani (T.L.R.96.01)                    |
| Leadership Council member             | Gul Agha Ishakzai (T.L.I.147.10)                        |
| Leadership Council member             | Sirajuddin s/o Jallaloudine Haqqani (T.L.H.144.07)      |
| Leadership Council member             | Abdul Latif Mansur (T.L.M.7.01)                         |

|                           |                                                                                    |
|---------------------------|------------------------------------------------------------------------------------|
| Leadership Council member | Ismail Andar                                                                       |
| Leadership Council member | Hafiz Majid                                                                        |
| Leadership Council member | Mohammadullah Mati aka Nanay<br>(TLM.68.01)                                        |
| Leadership Council member | Mullah Razaq Akhund s/o Ekhtiyar<br>Mohammad (TLA.53.01)                           |
| Leadership Council member | Abdul Ghani Baradar s/o Abdul Ahmad<br>Turk (TLA.24.01) (reportedly in<br>custody) |

#### **Military Commission**

|                                |                                   |
|--------------------------------|-----------------------------------|
| Chairman                       | Abdul Qayum Zakir                 |
| Deputy Chairman (Intelligence) | Habibullah Reshad (TLR.84.01)     |
| Member                         | Abdul Jalil Haqqani (TLH.34.01)   |
| Member                         | Said Ahmed Shahidkhel (TIS.28.01) |

#### **Political Commission**

|          |                                                          |
|----------|----------------------------------------------------------|
| Chairman | Shahabuddin Delawar (TLD.113.01)                         |
| Member   | Noor Mohammad Saqib (TIS.110.01)                         |
| Member   | Mohammad Moslim Haqqani s/o<br>Muhammadi Gul (TLH.73.01) |

#### **Cultural Commission<sup>a</sup>**

|          |                             |
|----------|-----------------------------|
| Chairman | Amir Jan Motaqi (TLM.26.01) |
| Member   | Latifullah Hakimi           |

#### **Financial Commission**

|          |                                               |
|----------|-----------------------------------------------|
| Chairman | Gul Agha Ishakzai (TLI.147.10)                |
| Member   | Abdul Qadeer s/o Abdul Baseer<br>(TLA.128.01) |
| Member   | Abdul Jalil Haqqani (TLH.34.01)               |
| Member   | Mohammad Aman Akhund<br>(TLA.158.12)          |
| Member   | Abdul Wassay Mu'tasim Agha<br>(TLN.29.01)     |

<sup>a</sup> Also known as the spokesperson's office using generic aliases.

**Non-Governmental Organization and Contractors' Commission**

|          |                                            |
|----------|--------------------------------------------|
| Chairman | Abdul Manan Nyazi (Tl.N.97.01)             |
| Member   | Mohammad Essa Akhund (Tl.A.60.01)          |
| Member   | Ahmed Jan Akhundzada Wazir<br>(Tl.A.85.01) |
| Member   | Ahmed Jan Wazir (Tl.W.159.01)              |

**Health Commission**

|          |                                    |
|----------|------------------------------------|
| Chairman | Mohammad Abbas Akhund (Tl.A.66.01) |
| Member   | Abdul Rahman Zahed (Tl.Z.33.01)    |

**Education Commission**

|          |                                                           |
|----------|-----------------------------------------------------------|
| Chairman | Zaman Shah                                                |
| Member   | Mohammad Moslim Haqqani s/o<br>Muhammadi Gul (Tl.H.73.01) |

**Religious Scholars (ulama) Commission**

|                 |                                   |
|-----------------|-----------------------------------|
| Chairman        | Noor Mohammad Saqib (Tl.S.110.01) |
| Deputy Chairman | Shahabuddin Delawar (Tl.D.113.01) |

**Prisoners' Commission**

|          |                                 |
|----------|---------------------------------|
| Chairman | Gul Agha Ishakzai (Tl.I.147.10) |
| Member   | Walijan (Tl.W.95.01)            |

**Quetta Shura<sup>b</sup>**

|          |                                                       |
|----------|-------------------------------------------------------|
| Chairman | Ismail Andar                                          |
| Member   | Mohammad Naim Barich (Tl.N.13.01)                     |
| Member   | Abdul Rauf Khadem (Tl.K.25.01)                        |
| Member   | Rahmatullah Kakazada aka Mulla Nasir<br>(Tl.K.137.01) |
| Member   | Abdul Latif Mansur (Tl.M.7.01)                        |
| Member   | Abdul Manan Nyazi (Tl.N.97.01)                        |
| Member   | Mohammad Rasul Ayyub (Tl.M.104.01)                    |
| Member   | Abdul Bari Akhund (Tl.A.94.01)                        |

<sup>b</sup> Also known as the Kandahar Shura.

|        |                                                                                |
|--------|--------------------------------------------------------------------------------|
| Member | Said Ahmad Shahidkhel (T.I.S.28.01)                                            |
| Member | Abdul Ghani Baradar s/o Abdul Ahmad Turk (T.I.A.24.01) (reportedly in custody) |

**Peshawar Shura**

|                 |                                                              |
|-----------------|--------------------------------------------------------------|
| Chairman        | Muhibullah aka Hajji Lala                                    |
| Deputy Chairman | Abdul Qahir Uruzgani                                         |
| Member          | Abdul Qadeer s/o Abdul Baseer (T.I.A.128.01)                 |
| Member          | Mohammad Salim Haqqani (T.I.H.79.01)                         |
| Member          | Sher Mohammad Abbas Stanekzai s/o Padshah Khan (T.I.S.67.01) |
| Member          | Najibullah s/o Muhammad Juma (T.I.M.132.01)                  |
| Member          | Sayed Esmatullah Asem (T.I.A.80.01)                          |
| Member          | Shams ur-Rahman s/o Abdurahman (T.I.U.8.01)                  |
| Member          | Ezatullah Haqqani s/o Khan Sayyid (T.I.A.64.01)              |

**Miramshah Shura**

|          |                                                    |
|----------|----------------------------------------------------|
| Chairman | Sirajuddin s/o Jallaloudine Haqqani (T.I.H.144.07) |
| Member   | Abdul Latif Mansur (T.I.M.7.01)                    |
| Member   | Badrudin Haqqani (T.I.H.151.11)                    |
| Member   | Jalaluddin Haqqani (T.I.H.40.01)                   |

**Taliban provincial "shadow Governors"**

|            |                                          |
|------------|------------------------------------------|
| Badakhshan | Mawlawi Sabir Ahmad                      |
| Badghis    | Mawlawi Hayatullah/Mawlawi Ismail        |
| Baghlan    | Mawlawi Muhammad Yunus Mukhlis/Nasruddin |
| Balkh      | Mulla Abdul Karim aka Nafiz              |
| Bamyan     | Ni'matullah                              |
| Day Kundi  | None appointed                           |

|           |                                                                                                |
|-----------|------------------------------------------------------------------------------------------------|
| Farah     | Mulla Amin                                                                                     |
| Faryab    | Mulla Alam/Hafiz Nurullah                                                                      |
| Ghazni    | Mulla Rahmatullah                                                                              |
| Ghor      | Mawlawi Abdul Khaliq aka Abdul Bari<br>(possibly identical with TLA.94.01)                     |
| Herat     | Mulla Esmatullah/Mulla Ghulam<br>Jaylani aka Janan Agha (possibly<br>identical with TLA.91.01) |
| Helmand   | Mohammad Naim Barich aka Mawlawi<br>Gul Muhammad (TLL.147.10)                                  |
| Jawzjan   | Mawlawi Ismail                                                                                 |
| Kabul     | Hajji Lala aka Sayyid Muhammad aka<br>Muhibullah                                               |
| Kandahar  | Mulla Muhammad Isa                                                                             |
| Kapisa    | Habiburrahman aka Qari Baryal                                                                  |
| Khost     | Mawlawi Nur Qasim                                                                              |
| Kunar     | Mawlawi Abdul Rahim                                                                            |
| Kunduz    | Mawlawi Enayatullah/Mawlawi Abdul<br>Rahman                                                    |
| Laghman   | Najibullah Haqqani s/o Hidayatullah<br>(TLH.71.01)                                             |
| Logar     | Abdul Latif Mansur (TLM.7.01)                                                                  |
| Nangarhar | Mawlawi Mir Ahmad Gul/Abdul Jabbar<br>Zabuli/Ahmad Taha Khalid s/o Abdul<br>Qadir (TLT.105.01) |
| Nimroz    | Mawlawi Rashid Baluch                                                                          |
| Nuristan  | Mawlawi Dost Muhammad                                                                          |
| Paktika   | Mawlawi Sangeen Zadran<br>(TLZ.152.11)                                                         |
| Paktya    | Mulla Nasir (possibly identical with<br>TLK.137.01)                                            |
| Panjsher  | Abdul Alim                                                                                     |
| Parwan    | Mawlawi Muhammad Ismail/Mawlawi<br>Subhanullah                                                 |

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|          |                                                             |
|----------|-------------------------------------------------------------|
| Samangan | Mawlawi Shams ur-Rahman (possibly identical with TL.U.8.01) |
| Sari Pul | Mawlawi Atiqullah (possibly identical with TL.A.70.01)      |
| Takhar   | Mawlawi Muhsin                                              |
| Uruzgan  | Abdul Rauf Khadem (TL.K.25.01)                              |
| Wardak   | Mulla Abdullah Mullakhel/Mawlawi Shahidkhel                 |
| Zabul    | Sharafuddin                                                 |



## Security Council

Distr.: General  
5 September 2012

Original: English

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### **Letter dated 4 September 2012 from the Chair of the Security Council Committee established pursuant to resolution 1988 (2011) addressed to the President of the Security Council**

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1988 (2011), presenting its position on the recommendations contained in the first report of the Analytical Support and Sanctions Monitoring Team established pursuant to resolution 1526 (2004), in accordance with paragraph (a) of the annex to resolution 1988 (2011).

I should be grateful if the attached document could be brought to the attention of the Council members and issued as a document of the Security Council.

*(Signed)* Peter Wittig  
Chairman

Security Council Committee pursuant to resolution 1988 (2011)



## **Recommendations contained in the first report of the Analytical Support and Sanctions Monitoring Team: position of the Committee**

### **1. Introduction**

1. The Committee established pursuant to Security Council resolution 1988 (2011) has considered the first report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to that resolution (S/2012/683). The Committee welcomes the Monitoring Team's efforts to identify options for improving the implementation and effectiveness of the sanctions measures, in particular with regard to the Afghan-led peace process. At the same time, the Committee wishes to express its appreciation for the constructive proposals provided by the Afghan authorities in its continued dialogue with the Monitoring Team.

2. With this position paper the Committee would like to bring to the attention of the Security Council its position on the recommendations contained in the Monitoring Team's report,<sup>1</sup> made on the basis of the Monitoring Team's dialogue with the Afghan authorities, in particular on recommendations relating to the future practice of exemptions to the travel ban, which is considered especially relevant for the Afghan-led peace process. The Committee, however, notes that during the reporting period the Committee did not receive any formal proposal from the Government of Afghanistan relating to the implementation of the sanctions regime established under resolution 1988 (2011).

### **2. Maintaining the 1988 (2011) Sanctions List**

#### **The quality of the List, the listing and delisting process**

(paragraphs 22 to 32 of the report)

3. The Committee recalls the criteria for listing as set out in paragraphs 1 to 7 of resolution 1988 (2011). States shall take measures with respect to individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan as designated by the Committee. Views on structures and formal relations between Taliban groups differ. In this context the approach of the Monitoring Team, as outlined in the annex to its report, to attribute a certain nomenclature to some of the Taliban groups, was questioned by some Committee members. The Committee notes that 9 of the 50 individuals identified by the Monitoring Team as comprising the core membership of the Taliban are not listed.

4. The Committee looks forward to the periodic follow-up reporting and recommendations by the Monitoring Team on the linkages between those individuals, groups, undertakings and entities eligible for designation under paragraph 1 of resolution 1988 (2011) and Al-Qaida, as mandated under paragraph (u) of the annex to the resolution.

<sup>1</sup> This is the first report of the Monitoring Team and therefore the first written position of the Committee to the Security Council on the reports of the Monitoring Team.

5. Furthermore, the Committee would like to recall that, in line with paragraph 5 of resolution 1988 (2011), means of financing or support of the Taliban and individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan include the use of proceeds derived from the illicit cultivation, production and trafficking of narcotic drugs and their precursors. In this context, the Committee wishes to recall that in paragraph 10 of resolution 1988 (2011) the Security Council encouraged all Member States to submit listing requests to the Committee. The Committee considers listing requests on a case-by-case basis, applying the listing criteria outlined in paragraphs 3 and 4 of resolution 1988 (2011).

#### **Cooperation with the Government of Afghanistan**

(paragraphs 27, 28, 29 and 31 of the report)

6. The Committee values the fruitful cooperation with relevant Afghan authorities, including the Permanent Mission of Afghanistan to the United Nations, the National Security Council and the High Peace Council, and welcomes the continued support provided by the Special Representative of the Secretary-General for Afghanistan and the United Nations Assistance Mission in Afghanistan (UNAMA). Regarding the recommendations on consultations and coordination with the Afghan authorities, the Committee wishes to reiterate paragraph 16 of resolution 1988 (2011) and paragraph 7 (c) of the Committee Guidelines, in which Member States are called upon to consult, where appropriate, with the Afghan authorities when considering the proposal of a new designation. The Committee deems the current consideration periods for listing and delisting requests as contained in paragraphs 7 (l) and 8 (q) of the Committee Guidelines appropriate.

#### **Translation of the 1988 (2011) Sanctions List into Pashto and Dari**

(paragraph 33 of the report)

7. The Committee acknowledges the utility of translating the 1988 (2011) Sanctions List into Dari and Pashto. The Committee has requested the Monitoring Team and the Secretariat to provide further details on the practicalities of such an exercise, including budgetary implications, and to explore options for the implementation of such a proposal, including the possibility of UNAMA providing assistance with the translations.

### **3. Asset freeze: exemptions for basic expenses and stipends**

(paragraphs 49 to 51 of the report)

8. As requested by the Security Council, the Committee is currently considering improvements in the process of granting exemptions, in particular for basic expenses and stipends for reconciled individuals. The Committee notes the relatively few exemption requests made under paragraph 1 (a) of resolution 1452 (2002) and has requested the Monitoring Team to seek additional information, including on the concept of basic expenses in the Afghan context and on the volume of payments in the framework of the reconciliation and reintegration programmes.

#### **4. Travel ban: exemptions**

(paragraph 57 of the report)

9. The Committee recalls that it determines exemptions to the travel ban for listed individuals on a case-by-case basis. The Committee underlines the political relevance of exemptions to the travel ban in particular with regard to the Afghan-led peace process, and reaffirms its commitment to ensuring that procedures are put in place which best respond to the specificities of this process. In this context, the Committee welcomes the fact that the Monitoring Team has provided in its report a wide range of options aimed at enhancing the flexibility of existing procedures. The Committee will include those options, as well as the possibility of further enhancing the involvement of the Special Representative of the Secretary-General for Afghanistan and UNAMA, in its ongoing consideration of this particularly relevant issue, in view of further developments in the peace and reconciliation process.

#### **5. Arms embargo**

(paragraph 65 of the report)

10. The Committee takes note of the Monitoring Team's proposals regarding the enhancement of the arms embargo measures. It was noted that ammonium nitrate-based fertilizer is an important agricultural input which is used in all neighbouring States of Afghanistan, and, therefore, the feasibility and practicality of the Monitoring Team's proposal regarding the ammonium nitrate-based fertilizer trade was questioned.



## Security Council

Distr.: General  
6 September 2012

Original: English

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**Letter dated 6 September 2012 from the Permanent  
Representative of Germany to the United Nations addressed  
to the Secretary-General**

I have the honour to inform you that, under the presidency of Germany, the Security Council will hold an open debate on the subject "Children and armed conflict" on Wednesday, 19 September 2012. In order to help steer the discussions on the subject, Germany has prepared the attached concept note (see annex).

I would be grateful if the present letter and the annex thereto could be circulated as a document of the Security Council.

*(Signed)* Peter Wittig  
Permanent Representative



**Annex to the letter dated 6 September 2012 from the Permanent Representative of Germany to the United Nations addressed to the Secretary-General**

**Security Council open debate on children and armed conflict  
19 September 2012  
United Nations Headquarters, New York**

**Concept note**

**Theme: "Children and armed conflict — increased accountability for violations and abuses committed against children"**

1. With its resolutions 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005), 1882 (2009) and 1998 (2011), the Security Council created a strong framework to act against perpetrators of the so-called "six grave violations"<sup>a</sup> committed against children in situations of armed conflict. These resolutions also constitute the basis for the Secretary-General's listing in his annual report of those parties which violate and abuse children in armed conflict. Over the years, such listings have led to United Nations-monitored action plans with parties to conflict and to the demobilization of thousands of children in conflict zones worldwide.

2. In his latest annual report on children and armed conflict (A/66/782-S/2012/261), the Secretary-General acknowledged progress made, inter alia, with regard to increased accountability for perpetrators of the six grave violations against children in armed conflict. With the implementation of resolution 1998 (2011), adopted by the Security Council in July 2011, and the signing of new action plans with parties to the conflicts in Afghanistan, Chad, the Central African Republic, South Sudan and Myanmar, as well as progress made by parties in releasing children and in fighting impunity for perpetrators through prosecutions, significant steps have been taken. The first judgement of the International Criminal Court on the war crime of conscripting and enlisting children under the age of 15 and of using them to participate actively in hostilities was also a milestone with regard to deterrence and better accountability for perpetrators.

3. However, the Secretary-General also voiced grave concern regarding the growing number of persistent perpetrators of violations and abuses committed against children (currently 32 parties listed for five years or more) and called for immediate action to prevent further violations and to halt violations through increased dialogue and action plans with concerned parties.

4. The Security Council has repeatedly underlined its intention to increase pressure on persistent perpetrators and discuss ways and means to better address issues of impunity and accountability. At the request of the Special Representative of the Secretary-General for Children and Armed Conflict, Ambassador de la Sablière, former Permanent Representative of France to the United Nations, recently issued a report also containing recommendations in this regard, including increased political engagement of the Council and enhanced cooperation with national and international

<sup>a</sup> Recruitment and use, killing and maiming, sexual violence as well as abduction, denial of humanitarian access and attacks against schools and/or hospitals.

tribunals, as well as greater targeted measures against individual perpetrators as necessary (see [http://www.un.org/children/conflict/\\_documents/SCEngagementonProtectiononCAAC\\_reportEng.pdf](http://www.un.org/children/conflict/_documents/SCEngagementonProtectiononCAAC_reportEng.pdf)).

5. The open debate on 19 September will give all United Nations members and observers an opportunity to discuss ways to better protect children in armed conflict including how to increase accountability for perpetrators.